

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

IRIDIUM SERVICES CORP., ALINA SERVICES
CORP., and I&Y TRANSIT CORP.,

A Single Employer,

Case No. 29-RC-12021

and

LOCAL 1181-1061, AMALGAMATED TRANSIT
UNION, AFL-CIO,

Petitioner.

STATEMENT OF PETITIONER LOCAL 1181-1061,
AMALGAMATED TRANSIT UNION, AFL-CIO IN OPPOSITION TO THE
EMPLOYER'S REQUEST FOR REVIEW OF THE REGIONAL
DIRECTOR'S DECISION AND DIRECTION OF ELECTION

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PRELIMINARY STATEMENT

Petitioner, Local 1181-1061, Amalgamated Transit Union, AFL-CIO ("Local 1181" or "Petitioner") respectfully submits this brief in opposition to the Request for Review of the June 3, 2011 Decision and Direction of Election ("Decision") submitted by Iridium Services Corp., Alina Services Corp., and I&Y Transit Corp., a single employer (hereinafter the "Employer" or the "Company").

As demonstrated below, the Regional Director correctly concluded that the petitioned-for unit of drivers and escorts (matrons) who transport pre-kindergarten and early intervention children for the Employer is an appropriate unit for collective bargaining and properly directed an election in the unit.

The Employer contends that the petitioned-for unit is inappropriate because it excludes other classifications, such as mechanics, shop employees, washers, cleaners, and yard employees. The Employer's position is without merit because the Employer cannot establish that the petitioned-for unit is inappropriate.

Accordingly, the National Labor Relations Board should deny the Employer's Request for Review.

STATEMENT OF FACTS¹

I. Overview of Operations

The Company is a school bus transportation business. Tr. at 17. Its principal place of business is located at 245-37 60th Avenue, Douglaston, New York. Board Ex. 2.

Igor Komsky is the Company's owner. Tr. at 18, 24-25, 36, 431.

The Company provides transportation services for pre-kindergarten and early intervention students pursuant to contracts with the New York City Department of Education ("DOE"). Tr. at 17, 261. The Company also has contracts with private schools. Tr. at 17-18. It operates approximately sixty-five buses. Tr. at 41.

The Company operates from 6:00 a.m. to 8:00 p.m., Monday to Friday. Tr. at 262.

The Company employs approximately seventy-eight drivers and seventy-eight escorts. Tr. at 35, 461-63. Seventy drivers and seventy escorts are full-time and about eight to ten drivers and eight to ten escorts are part-time. Tr. at 461-63. The Company also employs six mechanics, Tr. at 35-36, 38, 559; two shop

¹We cite to the transcript in this case as "Tr. at ____" and to exhibits in this case by party designation ("NLRB," "Petitioner," or "Employer") followed by "Ex. ____."

employees, Tr. at 36-38, 559; three or four yard employees, Tr. at 36-38, 560; two or three washers, Tr. at 36-38, 560; one or two cleaners, Tr. at 36, 38-39, 560; and about seven spare drivers and seven spare escorts, Tr. at 559-60. The Company also employs dispatchers, clerical workers, and managers. Tr. at 19.

The Company's drivers and escorts drive and work on school buses all day away from the Company's yards. Tr. 359, 396-97, 536.

The Company has four facilities: the Douglaston, New York facility; 70 Horace Harding Boulevard, Great Neck, New York ("Great Neck" facility); 53-09 Van Dam Street, Long Island City, New York ("Van Dam" facility); and 2752 West 15th Street, Coney Island, Brooklyn, New York ("Coney Island" facility). Board Ex. 2.

The Douglaston facility consists of offices and a yard where about 60 buses are parked. Tr. at 39-40, 41.

The Great Neck facility is a bus repair shop where small repairs are made. Tr. at 64, 79. The Van Dam facility is a repair shop where heavy repairs are made and vehicles are prepared for state inspections. Tr. at 55-56, 79. Two to three buses are parked at the Van Dam facility. Tr. at 55. The Coney

Island location is a parking lot where about two buses are parked. Tr. at 68-69.

Eighty-five to ninety percent of the Company's drivers report to the Douglaston facility. Tr. at 45. A few drivers report to the Van Dam facility. Tr. at 55-56. Two drivers report to the Coney Island parking lot. Tr. at 69.

About fifty to sixty percent of all escorts report to the Douglaston facility. Tr. at 46. Escorts who do not report to Douglaston are picked up by drivers en route to picking up students. Tr. at 46.

Clerical employees, dispatchers, managers, yard employees, cleaners, and washers work at the Douglaston facility during the day. Tr. at 41.

Mechanics and a shop employee work at the Van Dam repair shop. Tr. at 55. Similarly, mechanics and a shop employee work at the Great Neck repair shop. Tr. at 64.

Igor Komsky and Yuriy Alishayev are the Company's managers and sole supervisors. Tr. at 19, 265-66, 431-32.

II. Regular Full-time and Part-time Drivers and Escorts

A driver's primary responsibility is to operate a school bus. Only drivers transport children on buses. Tr. at 28. An escort's primary responsibility is to deal with children. Tr.

at 446. Escorts secure children in car seats or boosters. Tr. at 27-28, 404-05. Escorts accompany children to the school. Tr. at 28. When children are brought home, escorts bring children to their parents. Tr. at 28.

There is an escort on every bus transporting pre-kindergarten children. Tr. at 35. Some routes have two escorts on the bus. Tr. at 35.

To operate a school bus transporting children, a driver must be certified by the DOE. Tr. at 435; Petitioner Ex. 5A. Escorts working on such buses must also be certified by the DOE. Tr. at 435; Petitioner Ex. 5B.

A driver must possess a commercial driver's license with a passenger endorsement and 19A certification. Tr. at 433; Petitioner Ex. 5A. Drivers must pass drug and alcohol testing. Petitioner Ex. 5A.

Drivers and escorts must pass background checks and medical exams. Petitioner Exs. 5A, 5B. Drivers and escorts must also pass physical performance tests. Petitioner Exs. 5A, 5B.

To be qualified, drivers and escorts must also complete five hours of training mandated by the DOE, plus yearly refresher training. Petitioner Exs. 5A, 5B.

Escorts are required to take courses in CPR and First Aid. Petitioner Ex. 5B.

Most drivers work five-and-a-half to seven-and-a-half hours a day. Tr. at 467. Drivers start work at about 6:30 a.m. Tr. at 356-57. Most drivers return to the yard at 5:00 or 6:00 p.m. Tr. at 287. Escorts work about one to one-and-a-half hours less than drivers. Tr. at 471. Drivers and escorts spend most of their work day together. Tr. at 359, 396-97.

Drivers spend about five to fifteen minutes a day at the Douglaston facility. Tr. at 101, 367-68. Drivers and escorts take their lunch break away from the facility on the road. Tr. at 101-02, 361-63.

The Company provides drivers and escorts with specific documents that only drivers and escorts receive, covering topics such as ensuring that all children have been taken off the bus at the end of the trip and that drivers and escorts have their DOE identification, known as an "OPT" card, on them at all times. Petitioner Exs. 2, 3.

Drivers must do a pre-trip inspection of their bus. Tr. at 72. Drivers pick up paperwork for a pre-inspection of the bus. Tr. at 281. They record defects on a pre-trip inspection form and hand the form to a yard employee or manager. Tr. at 73.

After drivers hand in the pre-inspection form, they leave the yard. Tr. at 281-82.

Drivers may communicate with a yard employee for between two and five minutes at the beginning and end of each day. Tr. at 305. Communication between drivers and yard employees is not a requirement. Tr. at 336. Drivers have no contact with cleaners and washers. Tr. at 386-88.

Drivers might interact with mechanics if they bring a bus to the repair shop, if a mechanic comes to service a vehicle at the Douglaston facility, or if there is a road call. Tr. at 198-99. Such a communication at the Great Neck or Douglaston facility would only be for a few minutes. Tr. at 199, 200.

Escorts have no contact with cleaners and washers. Tr. at 403. Escorts are not cross-trained to work as mechanics, yard employees, washers, or cleaners. Tr. at 409.

Komsky and Alishayev direct the drivers and escorts. Tr. at 432.

According to Komsky's testimony, drivers earn \$12.25 per hour and escorts earn approximately \$8.00 per hour. Tr. at 96.

III. Mechanics

A mechanic's primary responsibility is to repair vehicles and ensure that they are safe. Tr. at 192. Mechanics possess

their own tools. Tr. at 186. Drivers and escorts are not qualified to repair vehicles and have never substituted for mechanics. Tr. at 192.

On average, a mechanic works seven hours per day. Tr. at 144.

Mechanics are based at two locations: the Great Neck facility and the Van Dam facility. Tr. at 55, 64.

Mechanics have no responsibility for children. Tr. at 200. They do not drive buses with students on board. Tr. at 28. Mechanics are not required to be certified by the DOE. Tr. at 172. They are not required to have a commercial driver's license. Tr. at 171, 433, 434. They are not required to complete annual training. Tr. at 173.

Mechanics are required to have industry standard certifications, for example in air conditioning. Tr. at 174.

Mechanics receive their own guidelines for safety. Tr. at 175-76. Drivers and escorts do not receive the same materials. Tr. at 176-77.

Mechanics wear a uniform of dark pants and a jacket with an "Iridium Service" patch. Tr. at 119, 205.

Mechanics earn approximately \$15 an hour. Tr. at 96.

Mechanics generally do not temporarily perform driver work. Tr. at 449-50. The Company could not identify any mechanics who have temporarily substituted for drivers. Tr. at 450.

IV. Yard Employees

Yard employees' duties include preparing buses in the morning to be on time. Tr. at 28-29. They start buses, move buses, and bring some buses to drivers and escorts. Tr. at 28-29, 31. In the morning, yard employees pull 20 to 30 buses out of the parking spots. Tr. at 280.

During the day yard employees stay in the yard. Tr. at 282. Yard employees also drive buses to and from the Van Dam facility and to and from the Great Neck facility. Tr. at 282-84. Yard employees do not perform any work at the Van Dam and Great Neck facilities. Tr. at 282-84.

Approximately once in two weeks, yard employees go to Coney Island to bring a bus and retrieve a broken bus. Tr. at 284-85.

In the evening, yard employees park some buses and direct drivers where to park. Tr. at 29, 31. Yard employees also examine buses to determine what is working and what is not working. Tr. at 276-77, 285. The driver is not present when the yard employee examines the bus. Tr. at 277-78.

Yard employees are not required to have a commercial driver's license with passenger endorsement. Tr. at 433, 434. It is not part of a yard employee's daily responsibilities to transport children to school. Tr. at 446.

Yard employees generally work shifts Monday to Friday, from 6:00 a.m. to 2:00 or 3:00 p.m. and from 11:00 a.m. to 7:00 p.m. Tr. at 105.

Yard employees earn \$10 an hour. Tr. at 96.

V. Shop Employees

Shop employees work with mechanics. Tr. at 22. A shop employee is a helper to mechanics. Tr. at 22. Shop employees work together to bring vehicles on time for DOT inspections. Tr. at 22. Shop employees set up the appointment for DOT inspections. Tr. at 22.

Shop employees are not required to have a commercial driver's license with passenger endorsement. Tr. at 435.

Shop employees generally work 9:00 a.m. to 3:00 p.m. or 4:00 p.m. Tr. at 105.

Shop employees earn about \$10 an hour. Tr. at 96.

VI. Cleaners

Cleaners perform interior cleaning of buses. Tr. at 33-34. They work with washers to clean buses for DOT inspections. Tr.

at 32-33. Cleaners check the inside of buses in the morning to ensure that buses are clean. Tr. at 33. They report on which buses are not clean. Tr. at 33. They clean buses during the day. Tr. at 33.

Cleaners are not required to have a commercial driver's license with passenger endorsement. Tr. at 434-35. They are not certified by the DOE to drive. Tr. at 456. It is not part of a cleaner's daily responsibilities to transport children to school. Tr. at 446.

Cleaners earn about \$8 an hour. Tr. at 96.

VII. Washers

Washers wash the outside of buses. Tr. at 32, 34. They work during weekends. Tr. at 32. They also wash buses for inspections. Tr. at 32-33. Washers use hoses and brushes to wash buses. Tr. at 33.

Washers are not required to have a commercial driver's license with passenger endorsement. Tr. at 433-34. It is not part of a washer's daily responsibilities to transport children to school. Tr. at 446.

The Company could not identify any washers who have substituted for drivers, except for an unnamed person who did so years ago. Tr. at 450.

Washers earn about \$8 an hour. Tr. at 96.

VIII. Spare Drivers and Spare Escorts

Spare drivers and spare escorts do not have regular routes. Tr. at 306, 543. They fill in for regular drivers and escorts if they are absent. Tr. at 543. Spare drivers also drive buses to the Great Neck or Douglaston facilities for inspection or repair. Tr. 306-09. Spare escorts are not assigned to a route and wait to be assigned if a regular escort is absent. Tr. at 309-10.

The Company has about 7 to 8 spare drivers and about 7 to 8 spare escorts. Tr. at 543.

IX. Bargaining History

The Company has no history of collective bargaining. Board Ex. 2.

ARGUMENT

**The Regional Director Correctly Concluded that the
Petitioned-For Unit of Drivers and Escorts (Matrons)
is Appropriate.**

A. Standard of Review

Section 102.67(c) of the National Labor Relations Board Rules and Regulations permits the Board to grant a request for review "only where compelling reasons exist" and provides that

"a request for review may be granted only upon one or more of the following grounds":

- (1) That a substantial question of law or policy is raised because of (i) the absence of, or (ii) a departure from, officially reported Board precedent.
- (2) That the Regional Director's decision on a substantial factual issue is clearly erroneous on the record and such error prejudicially affects the rights of a party.
- (3) That the conduct of the hearing or any ruling made in connection with the proceeding has resulted in prejudicial error.
- (4) That there are compelling reasons for reconsideration of an important Board rule or policy.

NLRB Rules and Regulations §102.67(c), 29 C.F.R.

§102.67(c).

In this case, the Employer has failed to establish any of the compelling grounds set forth in Section 102.67(c), and, thus, the Board should deny the Request for Review.

B. A Certifiable Bargaining Unit Need Only Be an Appropriate Unit

The Regional Director correctly held that "the petitioned-for unit of drivers and escorts constitutes an appropriate bargaining unit by itself, and need not include the other classifications sought by the Employer." See Decision at 25.

The well-established principle governing the determination of appropriateness of a bargaining unit provides that the Board need not determine "the only appropriate unit, or the *ultimate* unit, or the *most* appropriate unit; the Act requires only that

the unit be 'appropriate.'" Morand Bros. Beverage Co., 91 NLRB 409, 418 (1950) (emphasis in original), enf'd, 190 F.2d 576 (7th Cir. 1951); Omni Int'l Hotel, 283 NLRB 475, 475 (1987); P.J. Dick Contracting, 290 NLRB 150, 151 (1988); Dezcon, Inc., 295 NLRB 109, 111 (1989); Butera Finer Foods, 296 NLRB 950, 954 (1989) ("[i]t need not be the only appropriate unit or the most appropriate unit"), enf'd, 953 F.2d 287, 292 (7th Cir. 1992); Overnite Transp. Co., 322 NLRB 723, 723-24 (1996).

The central test to determine whether a petitioned-for unit is appropriate is whether the employees share a community of interest; that is, "substantial mutual interests in wages, hours, and other conditions of employment." Allied Chemical & Alkali Workers v. Pittsburgh Plate Glass Co., 404 U.S. 157, 172 (1971) (quotations and citations omitted). The Board takes into account such factors as the employees' wages, skills, work hours, functions, duties, working conditions, common supervision, frequency of interchange and functional integration. American Security Corp., 321 NLRB 1145, 1146 (1996); P.J. Dick Contracting, 290 NLRB at 151 (1988); Airco, Inc., 273 NLRB 348, 348 (1984); Seaboard Marine Ltd., 327 NLRB 556, 556 (1999) (degree of functional integration); Overnite Transp. Co., 331 NLRB 662, 662 (2000) (nature of employees' skills and functions); J.C. Penney Co., 328 NLRB 766, 767 (1999) (interchangeability and contact among employees); Allied Gear &

Machine Co., 250 NLRB 679, 679-81 (1980) (general working conditions).

C. The Petitioned-For Unit is an Appropriate Unit

Applying the principles stated above to the facts in this case, the Regional Director found that only drivers and escorts work directly with children. See Decision at 25. Drivers and escorts transport schoolchildren every day. None of the other employees that the Employer seeks to add to the unit interact with schoolchildren on a regular basis.

Drivers and escorts must "be certified by the Department of Education" to work directly with children. See Decision at 25. Only drivers and escorts are required to have certification and classroom training by the DOE. Tr. at 398, 435.

Certification by the DOE is granted only after employees "undergo a screening process (including a medical examination, background check and drug testing) and special training." See Decision at 25; Tr. at 407-08, 435-36, 439; Petitioner Exs. 5A, 5B.

The Regional Director properly found that the job functions of drivers and escorts "are not interchangeable with the functions of mechanics, shop employees, yard employees, washers and cleaners." See Decision at 25. Mechanics and other

classifications have distinct functions regarding the maintenance of vehicles.

The Regional Director also found that the "vast majority" of work time spent by drivers and escorts is on the road transporting children. See Decision at 26. Drivers and escorts spend their day together, Tr. at 359, 396-97, but have minimal interaction with the other classifications the Employer seeks to add to the unit.

The Board and Regional Directors have repeatedly found a unit comprised exclusively of drivers and/or drivers and helpers to be appropriate. In so doing, the Board and Regional Directors have noted that drivers perform distinct job functions, possess distinct skills and qualifications, and have limited interchange with other employees. See, e.g., Home Depot USA, Inc., 331 NLRB 1289 (2000) (exclusive driver unit appropriate where drivers possessed unique job qualifications and licensing requirements, had only random contact and little substantial contact with other employees, spent the majority of their work time on the road, and non-drivers did not perform driving work); Rinker Materials Corp., 294 NLRB 738 (1989); Transcare New York, Inc., Case No. 29-RC-11990, Regional Director Decision (Feb. 22, 2011); Dedicated Services, Inc., Case No. 29-RC-11820, Regional Director Decision (Dec. 18, 2009)

(Regional Director concluded a unit of paratransit drivers was appropriate and need not include other classifications, such as dispatchers, mechanics, bus washers, or a quality control employee).

Units that include drivers and employees who travel with them on the road are also typically found appropriate because they constitute a "homogeneous and identifiable group" and have a "close community of interest." J.L. Brandeis & Sons, Inc., 142 NLRB 825, 826-827 (1963) (unit of drivers and helpers appropriate where the two classifications of employees spend from 60 to 90 percent of their time away from other employees and other employees who drive do not do so as part of their principal functions); Corporate Coffee Sys., LLC, Case No. 29-RC-11745, Regional Director Decision (June 2, 2009), review denied (June 25, 2009) (unit of drivers and helpers appropriate where said employees spend 95 percent of their time together away from the employer facility).

Based upon compelling authority and the entire record, the Board should conclude, as the Regional Director did, that "the Employer has not shown that the additional classifications share such a strong community of interest with drivers and escorts so as to render the petitioned-for unit inappropriate." See Decision at 25.

The Employer contends in its Request for Review, as it did in its post-hearing brief, that limiting the unit to drivers and escorts "makes no sense and disregards the plain evidence that all of Iridium's non-clerical and non-managerial employees work closely together to ensure the safety and timeliness of the transportation services Iridium provides." See Employer Request for Review at 1, 14. In support of its argument, the Company claims that all classifications "closely interact with each other constantly." See id. at 14. The Employer also observes that, among other things, there is common supervision of and uniform benefits for employees. See id.

While all employees collaborate to serve the Company's operations, each classification fulfills discrete job duties. A finding of functional integration of operations that precludes a separate drivers and escorts unit requires at a minimum regular interchange of work, which is not present here.

Moreover, the Regional Director properly found, based on the record, that there is no constant contact among employees. See Decision at 26-27.

Likewise, the Regional Director noted that while there is evidence in the record showing a community of interest among drivers, escorts, and other classifications, these factors do not render the petitioned-for unit inappropriate. See Decision

at 27. In units involving drivers and employees that spend their day on the road, these shared factors are given minimum weight and do not render a unit of drivers or drivers and helpers/escorts inappropriate. See e.g., Home Depot, 331 NLRB at 1290 (a unit of drivers appropriate notwithstanding that they shared common supervision and benefits with other employees); Rinker Materials, 294 NLRB at 739 (common supervision between drivers and production and maintenance employees not a basis to find that two separate units would be inappropriate); Corporate Coffee, 29-RC-11745 (unit of drivers and helpers appropriate notwithstanding their shared benefits and work rules with other classifications employer sought to include).

The Company's reliance on United Rentals, Inc., 341 NLRB 540 (2004), Typecraft Press, Inc., 275 NLRB 553 (1985), Levitz Furniture Co., 192 NLRB 61 (1971), and Buckhorn, Inc., 343 NLRB 201 (2004) is misplaced. Each case is distinguishable from the facts of the instant case.

In United Rentals, for example, the Board concluded that a petitioned-for unit of mechanics, yard employees, and drivers should not have excluded other employees because it found there to be "regular[] overlap and interchange" of duties among the employees. See United Rentals, 341 NLRB at 540. The Board noted that employees performed the "duties of different

classifications everyday," and, in particular, that certain employees (counter employees) would use the employer's trucks to make equipment deliveries, "a function usually performed by the drivers." See id. (emphasis added). Unlike the employees in United Rentals who were required to "pitch in" to do various jobs, with few exceptions the employees of the Company cannot "fill in" for each other. DOE certification requirements preclude other classifications from performing driver and escort functions. Mechanics, yard employees, and other classifications who are not certified by the DOE, cannot "pitch in" to drive children to and from school or directly assist children.

The Employer's reliance on Typecraft is similarly flawed. In Typecraft, the Board held that drivers did not constitute such a functionally distinct group to warrant a separate unit from other employees. See Typecraft, 275 NLRB at 555. Based on a record showing that drivers performed non-driving duties, such as assisting in the company's bindery department, hauling trash, cleaning up, and delivering messages, the Board observed that only 55 to 60 percent of drivers' work time was spent driving, and, thus, drivers were presumably performing non-driving tasks 40 to 45 percent of the time. See id.

In contrast, drivers and escorts employed by the Company have spent nearly all of their work time on the road

transporting children. The remaining work time (a few minutes at the start and end of the work day) at the facility is not spent doing the work of other classifications.

Levitz is distinguishable because in Levitz the Board found that drivers spent substantial portions of their working time in close proximity to other employees and shared in job functions. See Levitz, 192 NLRB at 63. The Board noted that drivers' duties were closely associated with plant operations and drivers normally spent 60 to 65 percent of their work time away from the plant and the balance (35 to 40 percent) in the store or warehouse area. See Levitz, 192 NLRB at 62-63.

Here, as the Regional Director found, drivers and escorts spend a "vast majority" of time (all but approximately 15 minutes) on the road. See Decision at 26; Tr. at 101, 367-68. A few minutes at the beginning and end of the work day does not constitute a "substantial portion of the work day" during which employees work in close proximity to other classifications.

Buckhorn is also inapposite. In Buckhorn, the employees at issue were maintenance and production employees. The Board noted that virtually all work time of the maintenance employees was spent on the production floor, working with production employees. See Buckhorn, 343 NLRB at 203. Production employees routinely performed the same duties as maintenance employees.

See id. Likewise, maintenance employees regularly performed production work. See id. Notably, two-thirds of the maintenance employees were hired from the ranks of production employees. See id. As noted, drivers and escorts do not perform the functions of other classifications.

The Board in Buckhorn also observed that the most skilled maintenance employees were not required to have education or certification requirements. See id. This, of course, is not the case for drivers and escorts who work for the Company, who cannot work unless they receive DOE certification.

Finally, the Employer argues, in the alternative, that if the Board concludes that there is insufficient community of interest among all employees, the Board should also find that there is insufficient community of interest between drivers and escorts. See Employer Request for Review at 16. This argument contradicts the Company's position at the hearing that drivers and escorts should be included in the unit. Tr. at 557.

Furthermore, the Employer's claim, that the only interest in common between drivers and escorts is the time they spend together on the bus, see Employer Request for Review at 17, is belied by the record and the central fact that only drivers and escorts are required by the DOE to hold certifications in order to be qualified to transport children.

Based on the entire record, the facts support the Regional Director's conclusion that the drivers and escorts stand alone as a distinct group of employees due to their qualifications, skills, training and time alone on the road, and physical interactions with students. A unit exclusively comprised of drivers and escorts is an appropriate one and nothing in the record, or in the Employer's Request for Review, establishes that it is not appropriate.

CONCLUSION

For the foregoing reasons, the National Labor Relations Board should deny the Employer's Request for Review.

Dated: New York, New York
July 1, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the Statement of Petitioner Local 1181-1061, Amalgamated Transit Union, AFL-CIO in Opposition to the Employer's Request for Review of the Regional Director's Decision and Direction of Election to be served on

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by e-mail on July 1, 2011.

/s/Robert Marinovic

BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

**IRIDIUM SERVICES CORP., I & Y
TRANSIT CORP., ALINA SERVICES
CORP., A SINGLE EMPLOYER,**

Employer,

and

**LOCAL 1181-1061, AMALGAMATED
TRANSIT UNION, AFL-CIO,**

Petitioner.

29-RC-12021

The above-entitled matter came on for hearing pursuant to Notice, before **DAVID STOLZBERG**, Hearing Officer, at National Labor Relations Board, 2 Metrotech Center, 5th Floor, Brooklyn, New York, on Friday, April 1, 2011, at 9:30 a.m.

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1 Services Corp?

2 A Yes. Yes, I do.

3 Q And what is Iridium Services Corp?

4 A It's a company who transport -- who transport people, you
5 know, to schools, from schools in a private -- private
6 transportation company.

7 Q Okay. What type of people does it transport to and from
8 school?

9 A They transport kids, pre-K kids from school and to the
10 schools.

11 Q Pre-Kindergarten?

12 A Pre-Kindergarten.

13 Q And does Iridium do that transportation pursuant to
14 contract?

15 A Iridium is doing the transportation pursuant contract
16 (sic). It also has private work.

17 Q And who does have -- Iridium Services have contracts with
18 for transportation?

19 A Iridium Services has contract with the Board of Ed, Board
20 of Education. And --

21 Q New York City Board of Education?

22 A Board of Education.

23 Q New York City Board of Education.

24 A New York City Board of Education.

25 As well as private -- private contracts with private

1 people.

2 Q And private people, do you mean private schools?

3 A Private schools, yeah. Charters.

4 MR. MARINOVIC: I'm sorry?

5 THE WITNESS: Private charters.

6 MR. MARINOVIC: Private charters, thank you.

7 THE WITNESS: Yeah.

8 BY MR. POLLACK:

9 Q When did Iridium Services first get into the business of
10 transporting pre-K students?

11 A Iridium Services Corp begin services at 1999.

12 Q And do you know who the owner of Iridium Services Corp is?

13 A Yes, I know.

14 Q Who is the owner?

15 A Igor Komsky.

16 Q That's you?

17 A Yes.

18 Q You own 100 percent of the Company?

19 A I own 100 percent of the Company.

20 Q One hundred percent of the Company?

21 A Yeah.

22 Q Okay. Does Iridium Services have employees?

23 A Iridium Services have employees.

24 Q Okay. Do you know what types of employees or what
25 classifications of employees Iridium Services --

- 1 A Iridium Services has drivers, part-time drivers, matrons,
2 part-time matrons, repair people --
- 3 Q Repair people?
- 4 A Repair people. Shop employee. Guardsmens.
- 5 Q Did you say guardsmen?
- 6 A Not guardsmen, yards men.
- 7 Q Yard, with a "Y"?
- 8 A Yard. Yeah, yard, yeah.
- 9 Q Okay.
- 10 A Yards men. Washers, cleaners, shop employee.
- 11 Q You said that already.
- 12 A I think it's, you know, all of that. The clerical people,
13 the dispatchers and two managers, me and Yuri.
- 14 Q And what is Yuri's last name?
- 15 A Alishaue.
- 16 Q Can you spell that?
- 17 A A-L-I-S-H-A-U-E.
- 18 Q Now, you said repair people; what did you mean by repair
19 people?
- 20 A The people who repair my bus.
- 21 Q Mechanics?
- 22 A Mechanics.
- 23 Q And you said drivers and part-time drivers and matrons and
24 part-time matrons; did you mean to say that you also -- you
25 have full-time drivers and part-time drivers and --

1 Alina Services have?

2 A Alina Services has -- repeat the same things because it's
3 all the same. Or just repeat the whole -- everybody or just
4 the same, because it's -- it's all the corporation that like
5 were combined, you know.

6 Q The Alina Services employs drivers and it employs matrons;
7 correct?

8 A Yes.

9 Q Does it employee mechanics?

10 A Part-time drivers and part-time matrons. It employs
11 mechanic.

12 Q Okay. By the way, before when we were talking about
13 Iridium you said shop employee; what's the difference between a
14 shop employee and a mechanic?

15 A The shop employee work with mechanics because they -- they
16 know -- they work together to bring the vehicles on time for
17 the DOT inspection. They -- they setup up the whole
18 appointment with DOT inspection and they -- they work really,
19 you know, in the shop together with the mechanic.

20 Q Is the shop employee like a helper or --

21 A Yeah.

22 Q -- not like a helper?

23 A It's helper.

24 Q It's a mechanic's helper?

25 A Yeah, it's helper and -- but you know, it's involve with

- 1 money from which company?
- 2 Q When they get a check, when the clerical person gets a
- 3 check what is --
- 4 A Right.
- 5 Q -- does it say a company name on the top of it?
- 6 A Yes.
- 7 Q What does it say?
- 8 A One -- I think one -- one dispatcher get paycheck from
- 9 Alina, one from Iridium, and the -- Marina (ph), who is
- 10 clerical got from Iridium, which is the largest company.
- 11 Q Do you do any internal accounting -- strike that.
- 12 Does I & Y -- strike that.
- 13 The clerical person is on Iridium; correct?
- 14 A Clerical person on Iridium, yes.
- 15 Q Does she do any paperwork for the Alina people?
- 16 A She does any paperwork, yes. Yes, she does.
- 17 Q Is there any internal accounting so that Alina pays some
- 18 of the costs of employed the clerical person?
- 19 A I don't think so.
- 20 Q Okay. And is that -- are there any managers on the
- 21 payroll of Alina?
- 22 A As a managers an employee of Alina? No, just me.
- 23 Q Okay. And you said you own Alina; correct?
- 24 A Yes.
- 25 Q You own 100 percent of Alina?

- 1 A Yes.
- 2 Q Okay. Are you familiar with a company called I &Y Transit
- 3 Services?
- 4 A Yes, I do.
- 5 Q And what is I & Y Transport Services?
- 6 A It's a New York State company who -- New York State
- 7 company who transport children to the school, from the school,
- 8 as well as private work.
- 9 Q Is it pre-K children like the other two companies?
- 10 A Yeah, the same, pre-K kids as the other companies.
- 11 Q And do you have contracts with the Board of Ed like the
- 12 other two companies?
- 13 A Yes, we have a contract.
- 14 Q And does I & Y employee drivers?
- 15 A Yes.
- 16 Q Does I & Y employee escort/matrons?
- 17 A Yes, part-times and full-time drivers and matrons.
- 18 Q Does I & Y employee mechanics?
- 19 A Yes.
- 20 Q Does I & Y -- excuse me, does I & Y employee shop
- 21 employees/helper?
- 22 A Yes.
- 23 Q Does I & Y employee yardmen?
- 24 A Yes.
- 25 Q Does I & Y employee washers?

1 payroll?

2 A Yes.

3 Q And how is that internal accounting done?

4 A It's -- it's -- he get a bonus, he get, you know, paid
5 from some -- some, you know, for his time to be in Iridium. He
6 reimbursed from Iridium.

7 Q Does he actually get a check from I & Y and a check from
8 Iridium?

9 A Yes. Yes. I think so.

10 Q How about from Alina?

11 A Not from Alina.

12 Q And do you also get a check from I & Y?

13 A No, I don't.

14 Q Okay. Now, so the record is clear, what do
15 matrons/escorts do?

16 A Matrons and slash escorts, they -- when the bus come to
17 the stop, they -- they will take the child and they put the
18 child into the car seat or into the booster or into the seat
19 and then they strap the child. And when we --

20 MR. MARINOVIC: I'm sorry, the -- I didn't hear you, they
21 shove the child?

22 MR. POLLACK: Strap.

23 THE WITNESS: Strap.

24 MR. MARINOVIC: Strap the child.

25 THE WITNESS: You know, with the belt.

1 MR. MARINOVIC: That's what I thought, thank you.

2 THE WITNESS: With the seatbelt, yeah.

3 And then they would bring this kids to the schools and
4 then the schools take -- when the people from the schools come
5 out from the school they take the kids to them. And the same
6 way when they -- when the kids goes home, they pick up the kids
7 from the school and bring them home to the parents. It's curb-
8 to-curb service.

9 BY MR. POLLACK:

10 Q Okay, the escort/matrons, they don't actually drive the
11 bus at all; correct?

12 A They don't drive the bus.

13 Q Only the bus drivers drive the bus; correct?

14 A Only bus drivers drive.

15 Q Okay.

16 A And the mechanics.

17 Q Do the mechanics drive the bus with the students on them?

18 A No, I don't want them to drive the bus with, you know,
19 with the students.

20 Q Okay.

21 A They have right but I don't want them.

22 Q Okay. What is -- what do yardmen do?

23 A Yardmen, when the buses come -- when the buses leave in
24 the morning the yard people prepare buses in the morning to --
25 to be on time, so they come early to work. They start the bus,

1 they, you know -- we have our buses staying very, very close to
2 each other so they move the buses, they bring them to the
3 people so when they -- when the people come to work --

4 Q What people?

5 A The drivers and matrons come to work, the bus is already,
6 you know, warm up, you know, so they save time on that. Plus,
7 they make sure there's -- they -- because it's -- my facility
8 is outside and it could be dark, so we don't have accidents in
9 the morning and injuries, so they move buses, you know, to make
10 sure the people get the buses on time and then, you know,
11 without any, you know -- you know, some kind of, you know --
12 nobody fell, nobody hit to each other, you know, and make no
13 accidents, you know, injuries.

14 The same way in the evening, when the buses comes we --
15 because we don't have much, too much space we park buses very
16 close by in the middle of -- you know, so the yards people
17 when, you know, buses come, he -- he park them, he tell where
18 to park, he take the bus, park himself or -- you know, and put
19 them together so we can all -- they can all fit the buses.

20 Q Okay. Let me just ask you 'cause that was a whole lot of
21 words. In the evening when the drivers come back --

22 A Yeah.

23 Q -- the yard person -- what does the yard person do when
24 the drivers --

25 A They --

1 out, but last 20 buses, 25 buses, they -- when there's a empty
2 yard we don't need to be use -- he just saying -- and the yards
3 man say which bus that the bus driver should take because we
4 have inspection so he would say, "Oh, you may use this bus, you
5 use the other buses. You use different bus."

6 Q So let me just see if I got it. So if the yard is crowded
7 in the morning --

8 A And it is crowded.

9 Q -- so when -- let me ask it a different way. When the
10 yard is full in the morning the yard men will take it out for
11 the drivers?

12 A Right.

13 Q As the yard gets less full in the morning the drivers can
14 then go get the buses themselves?

15 A Sure.

16 Q And is it the same way in the afternoon, so at the
17 beginning when there's just a few driver -- a few buses the
18 drivers will park themselves, but then when it's more crowded
19 the yard man does the parking?

20 A Yes. And when they park themselves the yard man look
21 'cause the park very, very narrow. Close by to each other.

22 Q So --

23 A Not to lose space.

24 Q So the yard man assists them?

25 A Assist the park -- assist the drivers.

1 Q Directs them?

2 A Directs them.

3 Q Okay. We covered the shop employees before. The
4 mechanics; the mechanics that are employed by Alina, do they do
5 anything different than the mechanics that are employed by I &
6 Y or Iridium?

7 A No, they're not.

8 Q The shop employees that are employed by Alina, do they do
9 anything different than the shop employees employed by the
10 other two companies?

11 A No, they're not.

12 Q The yard men, do they do the same thing across the -- all
13 three companies?

14 A Yes.

15 Q Okay. What do washers do? And I'm not talking about the
16 kind that goes with a nut and a bolt, I'm talking about the
17 kind you employ.

18 A Okay, the washers is -- the washers people who wash --
19 water the buses.

20 Q Okay.

21 A And this people work, you know, during the, you know, and
22 during the weekends, you know, when the people are really, you
23 know, when we keep the buses, you know, there. Beside that,
24 during the day if we need to -- we have inspections, DOT
25 inspections, six, seven inspections probably a week and they,

1 you know, the requirements this bus has to be cleaned inside
2 and outside and they wouldn't take inspector -- couldn't take
3 the bus in if bus is not clean, so they prepare buses for
4 inspections.

5 Q And you mean -- when you say "prepare" you mean by -- the
6 cleaning aspect of prepare?

7 A The cleaning outside, inside and all, to bring, you know,
8 to see that, you know, it's -- it's presentable condition.

9 Q Do they -- how do they wash the outside of the bus; is it
10 by hand or do you have an actual bus washing machine?

11 A They have hoses, they have brushes, they have -- you know,
12 it's old-fashioned way. But that's what we have; we don't have
13 a -- some kind of facility.

14 Q And do the washers employed by Alina do the same thing as
15 the washers that are employed by the other two companies?

16 A Yes, they do.

17 Q Okay. What do the cleaners do?

18 A Cleaners work together with the washers to prepare buses
19 for DOT and make sure the buses in the morning, you know, they
20 look inside the buses to see that they in a clean condition.
21 They check -- they would dictate -- they would give us report
22 which buses are not clean and they -- they would, you know, we
23 would tell this to the people who work on the buses. And that
24 they clean the buses for the inspections, you know, and they
25 clean buses during the day when, you know, something happen,

1 you know, we need to change the bus, you know, so they have to
2 clean the bus to make it clean.

3 Q So what's the difference between a cleaner and a washer?

4 A Washer just wash bus, you know, outside.

5 Q Okay.

6 A The cleaner's inside, more inside work.

7 Q Got it. Okay. And do the cleaners at Alina do the same
8 thing at the cleaners as the other two companies? (sic)?

9 A Yes, they do.

10 Q Okay.

11 HEARING OFFICER STOLZBERG: Before we begin, I see new
12 people entered the hearing room. Welcome to our beautiful
13 hearing room.

14 On that note we need to have all cell phones, not just
15 turned down but actually physically off because it interrupts
16 the noise and the microphones.

17 UNIDENTIFIED SPEAKER: (Inaudible.)

18 HEARING OFFICER STOLZBERG: What's that?

19 UNIDENTIFIED SPEAKER: (Inaudible.)

20 HEARING OFFICER STOLZBERG: Okay, very good. Thank you
21 very much.

22 Okay, Mr. Pollack, please continue.

23 BY MR. POLLACK:

24 Q Okay, we've covered -- now I'm going to ask you, Igor,
25 about the number of employees in each company. It's not a test

1 so I don't expect you to know exact numbers, but Iridium, do
2 you know approximately how many drivers Iridium employees on --
3 I'm talking about combined full-time and part-time.

4 A I think Iridium employ about 75 drivers. 78. 75 --
5 THE WITNESS: 78.

6 MR. MARINOVIC: 75 to 78?

7 THE WITNESS: 78, probably.

8 MR. POLLACK: Okay.

9 BY MR. POLLACK:

10 Q And how many matrons/escorts does Iridium employ,
11 approximately?

12 A About the same. The same. Probably the same.

13 Q By the way, is there a escort on every bus that's -- gets
14 driven -- transporting pre-K kids?

15 A There are escort in the bus. I have a few routes when
16 there's two escorts in the bus.

17 Q So one driver, two escorts?

18 A Yes.

19 Q And why would that be?

20 A It's called 1:1 service. We have handicapped kids which
21 require 1:1 service, so I have -- I employ extra matron to be
22 just for the one, for the baby.

23 Q And is that mandated by the Board of Education?

24 A Yes, it does.

25 Q How many mechanics does Iridium have?

- 1 A Iridium -- just Iridium or just three companies?
- 2 Q Just Iridium.
- 3 A Just Iridium has how many mechanics? I'll tell you how
- 4 many, Iridium has four mechanics.
- 5 Q By the way, I don't know if I asked you, do you also own
- 6 I & Y?
- 7 A Yes. Yes, I do.
- 8 Q How many shop employees/helpers does Iridium have?
- 9 A Iridium has one shop employee.
- 10 Q Okay. How many yard men does Iridium employee?
- 11 A Iridium has, I think, two yard men.
- 12 Q Okay. How many washers?
- 13 A Iridium, I think, has two washers.
- 14 Q Okay. And how many cleaners?
- 15 A I think one cleaner.
- 16 Q Okay. Now, Alina Services; do you know approximately how
- 17 many drivers Alina Services has?
- 18 A Alina --
- 19 Q Full-time and part-time combined?
- 20 A -- has about 10 drivers.
- 21 Q Would it also then have 10 escorts?
- 22 A And then maybe 10, 11 escorts.
- 23 Q Okay. And how many mechanics?
- 24 A Alina has one mechanic.
- 25 Q And how many shop employees/helpers?

1 A I think this integrated between this shop employee at work
2 for just help to do the -- Alina's buses, as well, as Iridium.
3 So we just share this employee for two company.

4 Q Okay. So does Alina not have a shop employee on its
5 payroll?

6 A Alina I don't believe has one.

7 Q Okay.

8 HEARING OFFICER STOLZBERG: Excuse me, once again, did you
9 say "little buses"? You said shares with --

10 THE WITNESS: No, they share -- no, they might help
11 when -- because I have an employee in Iridium, you know, in
12 Iridium company who is a shop employee, so this employee can
13 help with Alina's buses, the same -- you know, the same way,
14 you know. I don't have to have two people because Alina's a
15 small company, it's maybe only, what, eight -- eight bus. So I
16 wouldn't have a employee, you know, full-time employee to do
17 that, you know, for eight buses.

18 HEARING OFFICER STOLZBERG: I'm sorry. I just misheard
19 you. Thank you.

20 BY MR. POLLACK:

21 Q So I think we left off with me asking if Alina has any
22 yard men. How many yard men at Alina?

23 A Alina has one yard man.

24 Q And how many washers does Alina have?

25 A Alina I think one washer.

- 1 Q And how many cleaners does Alina have?
- 2 A It -- does Alina have any cleaners? I'm not sure, maybe
- 3 it's also work between the company, so Iridium -- to do this
- 4 eight buses for Alina, not to have a separate employee.
- 5 Q So we don't think Alina has any cleaners?
- 6 A I not remember. (sic)
- 7 Q Okay. And now on to I & Y; how many drivers does I & Y
- 8 have?
- 9 A I & Y has about eight drivers. Nine drivers. Eight or
- 10 nine.
- 11 Q And does it have eight or nine escorts, too?
- 12 A Eight or nine escorts, too.
- 13 Q Okay. And how many mechanics?
- 14 A One mechanic.
- 15 Q And how many shop employees --
- 16 A One shop employee.
- 17 Q Okay. How many yard men?
- 18 A I don't believe we have -- anybody on the payroll in I & Y
- 19 in yard men.
- 20 Q Okay. How many washers?
- 21 A I think we don't have also. The -- it's also, we don't
- 22 have a separate employee for -- to work this.
- 23 Q How many cleaners?
- 24 A I don't believe we have also because it's only eight
- 25 vehicles, so as in this -- people just, you know -- the Iridium

1 people is helping to do that.

2 Q When did Alina Services begin transporting pre-
3 Kindergarten students?

4 A Alina Services begin the -- to transport the Kindergarten
5 kids at 1998.

6 Q And when did I & Y begin transporting pre-Kindergarten
7 students?

8 A I & Y begin to transport, beginning our services 2005.

9 Q Do you have a facility in Douglaston, New York?

10 A Yes, we do.

11 Q What's the -- where in Douglaston is that facility?

12 A It's at 245-37 West 60th Avenue, Douglaston, 11362.

13 Q Can you just slow down, and not to reveal any
14 attorney/client communications, but we've had this conversation
15 about when you fast it's hard to understand you.

16 A 245-37 60th Avenue.

17 Q Okay. I'm going to deputize Adrien to yell at you if
18 you're speaking too fast.

19 A Okay.

20 Q Okay. Just slow it down, it's not a race.

21 A Okay.

22 Q What is at the Douglaston location? Can you describe the
23 facility?

24 A At Douglaston location it's facility with offices. And
25 there's the yard when we park the buses, one of the yards.

1 MR. MARINOVIC: I'm sorry, I didn't understand; what --

2 THE WITNESS: It's --

3 MR. MARINOVIC: -- the yard and then you said something
4 else?

5 MR. POLLACK: Where they park the bus.

6 MR. MARINOVIC: Where they park the bus, I see.

7 THE WITNESS: Where we park the bus.

8 BY MR. POLLACK:

9 Q Okay, is it -- are there any other businesses or companies
10 there? Strike that, bad word.

11 Are there any other businesses there?

12 A Yeah, there are.

13 Q Okay. What other business is there?

14 A There's a school there.

15 Q Okay.

16 HEARING OFFICER STOLZBERG: What school is that?

17 THE WITNESS: It's school called QSAC.

18 BY MR. POLLACK:

19 Q Can you spell that for the reporter?

20 A Q-S-A-C, QSAC.

21 Q And what is QSAC?

22 A It's a school for the pre-K kids.

23 Q Okay. Is that one of the schools you transport students
24 to?

25 A We do.

- 1 Q Okay. Do you own QSAC?
- 2 A No.
- 3 Q Okay. Do you -- do you rent the space at Douglaston?
- 4 A Yes, we do.
- 5 Q And who do you rent the space from?
- 6 A From American Jewish Center.
- 7 Q Okay. And how big is your facility at Douglaston? How
- 8 big is the parking -- is the yard, do you know?
- 9 A Yeah, parking lot about 12,000 square feet.
- 10 Q And do you park buses there?
- 11 A Yes.
- 12 Q How many buses do you park there on a daily basis?
- 13 A Sixty. About 60.
- 14 Q About 60 buses?
- 15 A Yeah.
- 16 Q How many buses do the three companies combined run?
- 17 A About 65, I think.
- 18 Q Who works at, and I don't mean name names, I mean
- 19 classifications of people, who works at the Douglaston
- 20 location?
- 21 A Who works? Work during the day?
- 22 Q Yes.
- 23 A The clerical people, the dispatchers, me, Yuri, yards
- 24 men -- yards people, the cleaners, the washers.
- 25 Q Okay.

1 Q Okay. Is the Douglaston facility limited to specifically
2 one of the three entities or is it -- are -- is it more than
3 one entity at the Douglas -- strike that.

4 Are there more than one entity's employees at the
5 Douglaston facility?

6 A More than mine or are you talking about general?

7 Q No, is it only Iridium employees at Douglaston?

8 A No.

9 Q Is it only I & Y employees at Douglaston?

10 A No, three -- three groups employed there at Douglaston.

11 Q Okay. Do the drivers report to the Douglaston yard?

12 A Not every driver. I have another yards which driver
13 report to the other yards.

14 Q Okay. How many drivers don't report to the Douglaston
15 yard?

16 A Ten percent of drivers. Maybe even a little bit more.

17 Q Okay. So about 90 percent of the drivers come to
18 Douglaston?

19 A Maybe a little bit less, maybe 85 percent.

20 Q Do any of your drivers take the bus home at night?

21 A Yes.

22 Q So are there -- do those drivers come to the yard at all?

23 A No, never.

24 Q Never?

25 A Come to there for their paycheck, for the -- if I call

1 them, if I have a problem with -- with anything. If I want to
2 call them, I'll call them when they need them. You know, if
3 they -- you know, otherwise they really, you know, they don't
4 report to the Douglaston.

5 Q How many drivers take their bus home at night?

6 A About five.

7 Q And is that all in one company; all five of those? Are
8 they all in one of the companies?

9 A I cannot -- I don't know.

10 Q Now, escorts, where do escorts report to work?

11 A Sixty percent escorts or fifty percent report to the
12 Douglaston. And then 50 percent do not report to Douglaston;
13 they are at home, at the stops, at the different location than
14 my other buses are.

15 Q So just to make the record clear, for those 50 percent of
16 escorts that do not report to Douglaston, is it that the driver
17 picks them up at some location en route to picking up the
18 students?

19 A Yes.

20 Q Okay. And that's okay with you; correct?

21 A Yes.

22 Q Do -- are there any shop employees/helpers that are
23 employed at any of the other locations, other than Douglaston?

24 A Yes.

25 Q And do those employees come to Douglaston for any reason?

- 1 Q 1-5?
- 2 A 1-5.
- 3 Q Okay. And what -- what kind of facilities are on Van Dam
- 4 Street? What goes on there?
- 5 A It's a repair shop.
- 6 Q Okay. How many employees are -- strike that.
- 7 Are there any employees based out of the Van Dam Street?
- 8 A There are four people.
- 9 Q Okay. What classifications are they?
- 10 A There's three mechanics and one shop employee.
- 11 Q Okay. Are those all -- all four of those employees
- 12 employed by one of the three entities or is it a mix?
- 13 A I think they all by employed by entity. It's Iridium.
- 14 Q What entity?
- 15 A Iridium, I think.
- 16 Q And you may have just said that; the four people are what
- 17 classifications?
- 18 A Three mechanics and one shop employee.
- 19 Q Okay. Are there any buses that get parked at this
- 20 facility?
- 21 A Yes.
- 22 Q How many buses get parked at this facility?
- 23 A Few; two, three buses.
- 24 Q Okay. And is that where the drivers of those buses go to
- 25 pick up those buses?

1 A Few drivers, yes.

2 Q And is that where the drivers of those buses park their
3 buses in the evening?

4 A Few drivers, yes.

5 Q What -- you said it's a repair facility; what type of
6 repairs are done at Van Dam Street?

7 A It's a repair, this facility, then they repair our
8 vehicles. And we prepare vehicles for the state inspections
9 there, which is very, very, you know, serious inspections which
10 conducted by State of New York and these people, you know,
11 prepared and fixing the buses and preparing for the inspection
12 which are about six, seven inspection a week. So we have a few
13 days to do inspections.

14 Q Does that mean you have six or seven vehicles inspected
15 each week?

16 A Yeah, but it's -- it's a few days. Could be one or two
17 days a week.

18 Q What, sir? What's a few days?

19 A To inspect the vehicles.

20 Q Does it take -- how long does it take to inspect one
21 vehicle?

22 A Two, three hours.

23 Q Two, three hours?

24 A Two hours.

25 Q Okay. So to inspect seven vehicles is --

- 1 facility?
- 2 A About two minutes.
- 3 Q Two minutes. And what's -- what kinds of facilities are
- 4 at Great Neck?
- 5 A It's a bus repair facility.
- 6 Q Also a bus repair facility?
- 7 A Yes.
- 8 Q What employees are at Great Neck?
- 9 A What employee?
- 10 Q We don't need names, I mean classifications.
- 11 A We have the bus -- the repair.
- 12 Q Mechanic?
- 13 A Mechanics. And we have a shop employee.
- 14 Q Okay. How many mechanics?
- 15 A I think we have one, two. We have four mechanics and one
- 16 shop employee.
- 17 Q And are there any buses that get parked in Great Neck
- 18 overnight?
- 19 A Yes.
- 20 Q How many buses get parked in Great Neck overnight?
- 21 A Only buses who are for repairs.
- 22 Q Oh, okay. So let me ask you another question. At Van Dam
- 23 Street, are there a couple of buses that we talked about, are
- 24 those there with the drivers going there, those are not for
- 25 repairs; correct?

1 HEARING OFFICER STOLZBERG: Okay, thank you.

2 BY MR. POLLACK:

3 Q Are there any managers stationed at the Great Neck
4 facility?

5 A No.

6 Q Any clerical employees stationed at the Great Neck
7 facility?

8 A No.

9 Q Any dispatchers state -- strike that -- stationed at the
10 Great Neck facility?

11 A No.

12 Q Now, before you mentioned that the mechanics or some
13 mechanics come to Douglaston to start the buses in the morning
14 and to do minor repairs. Are those mechanics -- where do those
15 mechanics generally work out of? What's their base?

16 A At the Great Neck.

17 Q Okay. Do any of the Van Dam mechanics come down in the
18 morning to start the buses?

19 A Not in the morning.

20 Q And the Great Neck mechanics, if they wanted to talk to a
21 person about the problem with their payroll check?

22 A They would come to my office.

23 Q Douglaston?

24 A To Douglaston.

25 Q And do you also have a location on West 15th Street in

- 1 Coney Island?
- 2 A Parking lot, yes.
- 3 Q It's just a parking lot?
- 4 A Yes.
- 5 Q And what gets parked there?
- 6 A Few vehicles. Two vehicles.
- 7 Q Buses?
- 8 A Buses.
- 9 Q You said two?
- 10 A Yeah.
- 11 Q And so do those two drivers go there to pick up their bus?
- 12 A Yes.
- 13 Q And they park their bus there?
- 14 A Yes.
- 15 Q Do those two drivers ever come to the Coney Island --
- 16 strike that.
- 17 Do the two drivers that park their bus on West 15th Street,
- 18 do they ever come to Douglaston?
- 19 A Ever comes, yes.
- 20 Q How often do those two drivers come --
- 21 A I don't --
- 22 Q -- to Douglaston?
- 23 A I cannot recall.
- 24 Q Okay. And the two or three drivers who park their buses
- 25 at Van Dam Street, how often do they come to Douglaston?

1 Igor, just as a reminder you're -- you remain under oath;
2 okay?

3 THE WITNESS: Yes.

4 HEARING OFFICER STOLZBERG: Continue your questioning, Mr.
5 Pollack.

6 MR. POLLACK: Would you remind the audience?

7 HEARING OFFICER STOLZBERG: Yes, and a reminder that we're
8 going to try to keep the noise down in the rows back there.
9 That's much appreciated, thank you.

10 **DIRECT EXAMINATION (continued)**

11 BY MR. POLLACK:

12 Q Okay, Mr. Komsky, do the drivers have to do a pre-trip
13 inspection of their buses?

14 A Yeah, they do.

15 Q And what do they do if they find any problems with the
16 buses?

17 A They would tell -- they would tell the people; the yard
18 men, the mechanic, the manager report that there is a problem
19 with the bus and if it's a minor problem, you know, a light
20 bulb or that they can fix it right away, you know, the mechanic
21 would come and fix it. Or you know, if a small problem, we
22 would call and they would come right away. And or if it's a
23 bigger problem, so the -- we would give them different bus and
24 the people -- the yard men or the -- you know, people bring it
25 to the shop or the mechanics would come to bus to repair.

- 1 Q Do the drivers ever have to write down the defects on a
2 written form? Document?
- 3 A Yeah.
- 4 Q What -- that document is called what?
- 5 A It's pre-trip inspection.
- 6 Q Okay. And if they write down a defect on that pre-trip
7 inspection form what happens to the form? What's done with the
8 form?
- 9 A We have forms together, they all in a -- in the file.
- 10 Q Okay. So let's say a driver writes down, you know,
11 windshield wiper not working; what happens to the form?
- 12 A We have the form. There's a gentleman who's in here, he
13 knows. They give it to him --
- 14 Q Okay. They may give the form to the mechanic; you don't
15 know?
- 16 A To give it to mechanic, yeah. Would give it to mechanic,
17 you know, he will see, yeah. I mean, he go to the yards man or
18 to the manager and they would give it to mechanic and they
19 would -- they would fix it.
- 20 Q Does the mechanic ultimately get that form in front of
21 him?
- 22 A I think so.
- 23 Q Okay. In your -- in the two shops -- in the two
24 facilities where you have repair shops, are -- is there any
25 rule prohibiting the drivers from entering the shop area?

- 1 by?
- 2 A It depends on location where it happened.
- 3 Q Location?
- 4 A Yes.
- 5 Q Who's -- which shop is closest to the breakdown?
- 6 A Yes.
- 7 Q Now, in the event that either a mechanic or a yards man --
- 8 A Let me -- let's get something, you know, the Van Dam shop
- 9 is a shop -- repair like heavy -- heavy repairs. We change
- 10 engine there, you know, so we try to use the shop more for
- 11 the -- this kind of repair. The repairs on Great Neck, it's
- 12 day-to-day repairs which they -- they always with us, you know,
- 13 this mechanics which we use them often, often to do that
- 14 because the incident happen, it would go there and help. Or if
- 15 a breakdown happen they would go there, you know. So the Great
- 16 Neck is more like --
- 17 Q Is Great Neck more maintenance?
- 18 A Small repairs.
- 19 Q Routine maintenance?
- 20 A Yeah.
- 21 Q Small repairs?
- 22 A Small repairs.
- 23 Q Do you do any body work or is it only the mechanical work
- 24 that your people are --
- 25 A We do only mechanical work.

- 1 How are you mechanics paid?
- 2 A Paid hourly, yes.
- 3 Q Do you know approximately what the rate is?
- 4 A The rate would be 15 hours -- \$15 per hour, probably.
- 5 Q And do you know what the yards men rate is?
- 6 A Yards men? \$10 per hour.
- 7 Q Do you know what a shop employee/helper's rates are?
- 8 A \$10 per hour.
- 9 Q Do you know what a cleaner's rate is?
- 10 A \$8.
- 11 Q Do you know what a washer's rate is?
- 12 A \$8 per hour.
- 13 Q Do you know what a driver's rate is?
- 14 A \$12.25 per hour.
- 15 Q And do you know what an escorts rate is?
- 16 A \$8. 7.95, \$8 per hour. 7.85, 7.95.
- 17 Q Does --
- 18 MR. MARINOVIC: I'm sorry, 8.75 or 7.95?
- 19 THE WITNESS: 7.95, I think, if I recollect.
- 20 MR. MARINOVIC: \$7.95 --
- 21 THE WITNESS: Cents, yeah.
- 22 MR. MARINOVIC: -- an hour?
- 23 BY MR. POLLACK:
- 24 Q Does the same bookkeeper do the bookkeeping for all your
- 25 companies?

1 Q Who's the boss, the top guy in charge of the drivers and
2 escorts?

3 A I am.

4 Q And are you -- are you an active hands on employer?

5 A Yes, I am.

6 Q And you work basically on a daily basis?

7 A I work on daily basis.

8 Q Now, the drivers and escorts that report into your
9 facilities, they don't actually work at the facility; correct?

10 A That's correct.

11 Q So how much time do you think a driver spends at the
12 Douglaston facility in a day?

13 A The driver spends five minutes a day. Some driver who at
14 the school at my location, which is -- there's a school at the
15 same building, few drivers could stay there because they're
16 there.

17 Q All right. They're not working for you during the day,
18 just staying there?

19 A They -- they have a few hours they can relax, you know,
20 did -- they don't have to stay there, they can go different
21 place but they choose to stay. They stay a few hours.

22 Q Now, the drivers, they have a morning run and then they
23 have time off and then they have an afternoon run; right?

24 A They have a morning run, a middle run.

25 Q Oh, they have a middle run?

- 1 A And they have afternoon run.
- 2 Q All the drivers have a midday run?
- 3 A Not all of them.
- 4 Q Okay. So a driver that doesn't have a midday run, does he
- 5 have to bring his bus back to the yard after the a.m. run?
- 6 A No.
- 7 Q He could keep it out?
- 8 A He could keep it home, yes.
- 9 Q He could keep it home.
- 10 A Some of them go home, yeah.
- 11 Q Can they go to like a shopping center with the bus?
- 12 A Yes.
- 13 Q And what does the escort do between runs?
- 14 A They can go home if they -- you know, they trying to put
- 15 the people to the schools where they live, you know, so they
- 16 can --
- 17 Q Close to the schools that they service?
- 18 A -- have a few hours and can go home. A few hours of a
- 19 break there and if not some of them, they cannot do that so
- 20 they -- McDonald's, you know, wherever the place, shopping
- 21 centers, you know, it's -- it depends wherever they -- you
- 22 know, it's their time. I don't ask them.
- 23 Q What generally are the hours of work of drivers and
- 24 escorts?
- 25 A General, you know, they come as early as 6:00.

- 1 Q Okay. And what are the hours again, generally, I know
2 they may vary, what are the hours generally of the shop
3 employee/helper? (s), plural.
- 4 A Repair shop?
- 5 Q The person we've been -- not the mechanics --
- 6 A Not mechanics.
- 7 Q -- the other shop employees?
- 8 A Shop employees the same. You know, shop employee stays
9 from 9:00 to 3:00, 9:00 to 4:00.
- 10 Q 9:00 a.m. to 3:00 p.m. or 4:00 p.m.?
- 11 A Yeah.
- 12 Q And what are the hours again generally of the yards men?
- 13 A 6:00 in the morning 'til -- I have a few of them, so
14 one -- if couple come in the morning and a few -- they -- plus
15 it's a long day 'cause my day is 6:00 in the morning 'til 8:00
16 evening.
- 17 Q Okay.
- 18 A So they --
- 19 Q So you have different shifts for yard men?
- 20 A Shifts. Yes.
- 21 Q Okay. And so what are your different shifts for your yard
22 men?
- 23 A 6:00 to 3:00, 6:00 to 2:00 and 11:00 to 7:00.
- 24 Q 11:00 a.m. to 7:00 p.m.?
- 25 A Yeah.

- 1 A Iridium.
- 2 Q Okay. And I notice you're -- you have a uniform jacket on
- 3 that has a patch on it?
- 4 A Right.
- 5 Q Is there a patch on the right arm of your jacket?
- 6 A Right.
- 7 Q What does that patch say?
- 8 A Iridium Service.
- 9 Q As a mechanic working for Iridium what are your duties?
- 10 A Repair vehicles.
- 11 Q What kind of vehicles?
- 12 A Mini school buses.
- 13 Q And --
- 14 MR. MARINOVIC: I'm sorry, could I ask you to speak up a
- 15 little bit, please. There's a humming noise.
- 16 THE WITNESS: Okay, repair mini school buses.
- 17 MR. POLLACK: Do you need a drink of water?
- 18 MR. MARINOVIC: Mini school buses?
- 19 THE WITNESS: Mini school buses.
- 20 MR. MARINOVIC: Mini school buses, thank you.
- 21 THE WITNESS: Yeah.
- 22 MR. POLLACK: Many.
- 23 THE WITNESS: Mini. Mini.
- 24 MR. MARINOVIC: Oh, many.
- 25 THE WITNESS: Not big school buses, mini school buses.

- 1 Q Okay. And is that for Northshore LIJ?
- 2 A Right.
- 3 Q Okay. So how do you split your time? When you are that
- 4 facility --
- 5 A Right.
- 6 Q -- how much of your time do you spend working for Luke's
- 7 Service?
- 8 A How much of -- how much of the time do I split myself?
- 9 Q Yeah, how many hours do you work for Luke's Service, let's
- 10 say, during the week?
- 11 A It all depends on when -- where I'm needed with that
- 12 radio.
- 13 Q Well, on average.
- 14 A It all depends.
- 15 Q On average how many hours do you work for Luke's Service
- 16 per week?
- 17 A Well, normally I work about 7 hours for Iridium and I work
- 18 about 6 hours for Luke's Service Center.
- 19 HEARING OFFICER STOLZBERG: Is that -- I'm sorry, is that
- 20 per day?
- 21 THE WITNESS: Yeah.
- 22 HEARING OFFICER STOLZBERG: Per day.
- 23 THE WITNESS: Yeah.
- 24 HEARING OFFICER STOLZBERG: That's a long day.
- 25 THE WITNESS: I do 18 hour days.

- 1 Q And who certifies that, is that Department --
- 2 A New York State.
- 3 Q The New York State Department of Labor -- Department of --
- 4 A Department of Motor Vehicle.
- 5 Q -- Motor Vehicles?
- 6 A Right.
- 7 Q And every mechanic has to have that; is that correct?
- 8 A Right.
- 9 Q How about the shop employee; does she also have to be --
- 10 A No.
- 11 Q -- certified?
- 12 A No.
- 13 Q Are there any other certifications that mechanics must
- 14 have for the Company to be able to work?
- 15 A Not that I know of.
- 16 As a mechanic, right?
- 17 Q To work as a mechanic, correct.
- 18 A Right, not that I know of.
- 19 Q Are you required to have a commercial driver's license?
- 20 A Am I? Are the mechanics?
- 21 Q Yes.
- 22 A Not that I know of. But I have a commercial driver's
- 23 license.
- 24 Q Do you know what 19A certification is?
- 25 A Do what?

- 1 Q Do you know what 19A certification is under the DMV?
- 2 A 19A?
- 3 Q 19A, yes.
- 4 A I don't remember all those different ones off the top of
- 5 my head, I don't remember everything.
- 6 Q Have you heard of that before, though, 19A certification?
- 7 A There's so many different things I don't remember every
- 8 one of them.
- 9 It's like state inspection, where do you change that? I
- 10 don't remember all that stuff.
- 11 Q Okay. Are you required to have any kind of certification
- 12 from the Board of Education?
- 13 A Am I required?
- 14 Q Yes.
- 15 A No.
- 16 Q And that's true for all the mechanics?
- 17 A Right.
- 18 Q Are you required to pass any kind of physical fitness
- 19 test?
- 20 A Well, I was because I have a commercial driver's license.
- 21 I don't know about the others, you know, as far as the others.
- 22 Q Okay. But was that a requirement for your CDL license or
- 23 was that a requirement for the Company?
- 24 A That was a requirement for my CDL.
- 25 Q So the Company doesn't require you to have that?

1 A I don't know if they require it or not. I know I had my
2 CDL before so I've always had the physical 'cause you have to
3 that to drive the big trucks.

4 Q Were you required to undergo any kind of training when you
5 were hired as a mechanic?

6 A No.

7 Q Do you have training? Any kind of annual training from
8 the Company?

9 A From Iridium?

10 Q Yes.

11 A No.

12 Q Does the -- Iridium require you to obtain any kind of
13 annual training --?

14 A What --

15 Q -- from any other -- from any other training school or any
16 kind of certification, other than the certification from the
17 DMV that you mentioned?

18 A Say that again.

19 Q Does Iridium require you to undergo any kind of annual
20 training?

21 A No.

22 **(Pause.)**

23 Q Are mechanics required to have any kind of industry
24 standard certifications, say for example, in working with air
25 conditioning?

- 1 A Yes.
- 2 Q Would the same be true in other kinds of areas like brakes
3 or transmission repair?
- 4 A Well, transmission repair is a specialty within itself.
- 5 Q Okay. Does the Company require the mechanics to --
- 6 A I don't -- I don't know if they require it but we don't --
7 over there at the our shop, our location, we don't do
8 transmission.
- 9 Q Okay. What about brakes?
- 10 A Yeah, we do brakes but you don't have to have that 'cause
11 that falls under New York State Department of Motor Vehicles.
- 12 Q Okay.
- 13 A 'Cause you have to inspect --
- 14 Q Air conditioning, though, is -- there's an industry
15 standard for that?
- 16 A Excuse me?
- 17 Q There's an industry standard certification for air
18 conditioning?
- 19 A Yes. Well, there used to be but they done change it a
20 lot. You just got to have the -- it was before when the R12
21 was the Freon, we had to know how to recover it and all that
22 stuff like that. You know, but now you got all the different
23 machines and stuff like that, you don't have to have that.
24 Long as you have the equipment to do the recovery for the
25 environment.

1 Q Okay.

2 A Recovering the Freon.

3 Q Do some of the vehicles use Freon right now?

4 A Yeah. They all use it.

5 Q Okay.

6 A R-134A.

7 Q Does the Company provide you with -- withdrawn.

8 Does the Company provide mechanics with any kind of

9 documents or policies that are specific for mechanics, for

10 example, work rules that mechanics have to follow?

11 A Well, basically --

12 MR. POLLACK: Stop. Don't talk about it.

13 THE WITNESS: Hmm?

14 MR. POLLACK: I'm going to object 'cause it's such a vague

15 question. If he asked if there are work rules as opposed to

16 documents specific to mechanics, 'cause of course there are

17 documents specific to mechanics.

18 HEARING OFFICER STOLZBERG: He asked if any were issued.

19 But Mr. Marinovic -- overruled. But Mr. Marinovic, could

20 you rephrase your question to be -- can you restate your

21 question?

22 MR. MARINOVIC: We'll start broadly and move narrowly.

23 BY MR. MARINOVIC:

24 Q Are there documents that the Company gives to mechanics

25 that are specific for mechanics only, that other employees

- 1 don't receive?
- 2 MR. POLLACK: Same objection.
- 3 HEARING OFFICER STOLZBERG: I'm going to allow it for the
- 4 reader of the record.
- 5 BY MR. MARINOVIC:
- 6 Q You can answer the question, sir.
- 7 A Well, basically safety.
- 8 Q Okay.
- 9 A Safety.
- 10 Q When you say "safety," this is the safe operation or
- 11 the --
- 12 A Sure. Safety tips. Like for instance, if you using a
- 13 grinder you, you must know to use the goggles.
- 14 Q Okay.
- 15 A You know, that's just -- I could on and on and on in the
- 16 mechanical field.
- 17 Q Okay. And these are -- when would -- when did you -- do
- 18 you receive these kinds of documents on a regular basis or is
- 19 this just one time that you received it from the Company?
- 20 A No, that's basically one time you receive it.
- 21 Q Okay. And it's -- you say it's only for mechanics; is
- 22 that right?
- 23 A Sure.
- 24 Q Drivers wouldn't receive those same materials?
- 25 A No. It's basically --

- 1 Q Escorts wouldn't receive those materials?
- 2 A Not for mechanic. I don't know what their rule standards
3 are.
- 4 Q Okay.
- 5 A 'Cause that's a different field.
- 6 Q That's fine, thank you.
- 7 Do you punch in a time clock when you work?
- 8 A Yes.
- 9 Q Where is that time clock?
- 10 A Where is that time clock?
- 11 Q Yeah.
- 12 A At 80 Horace Harding Boulevard.
- 13 Q And all the mechanics punch the time clock?
- 14 A Yes.
- 15 Q You punch it every day?
- 16 A Um-hmm.
- 17 Q Punch it when you leave the facility to go work at
18 Douglaston or you don't?
- 19 A When we leave to go to work at Douglaston? We can't punch
20 it then, we would be punching it all the time then.
- 21 Q Let me rephrase the question.
- 22 You punch in the clock when you start your day; correct?
- 23 A Right. Right.
- 24 Q Okay. And you punch it again when you leave at the end of
25 the day; correct?

1 HEARING OFFICER STOLZBERG: I agree. Mr. Marinovic, could
2 you just be a little bit more specific, maybe rephrase your
3 question?

4 **(Pause.)**

5 BY MR. MARINOVIC:

6 Q Do all of the mechanics at the Great Neck facility have
7 their own tools?

8 A Yes.

9 Q Are there -- did the -- do they own the tools or do they
10 just -- who owns those tools; do the individual mechanics own
11 them or do they -- does the Company own those tools?

12 A Individual mechanic.

13 Q Do you know if that's true for the mechanics at the Van
14 Dam facility?

15 A I don't know.

16 Q Do all of the mechanics at the Great Neck facility have
17 the same tools?

18 A Do all of them have the same tools?

19 Q Yeah. Or do some have different tools?

20 A Some have different tools.

21 Q Who has different tools?

22 A Every mechanic got different tools. Some tools are
23 duplicate, some have the same, some got certain tools the other
24 ones don't have.

25 Q Okay. Do those tools enable those mechanics to do things

1 HEARING OFFICER STOLZBERG: Do you fill out a form for
2 this?

3 THE WITNESS: No, it's just a verbal thing. That's it.

4 HEARING OFFICER STOLZBERG: And who do you communicate
5 that with?

6 THE WITNESS: Gary.

7 HEARING OFFICER STOLZBERG: Thank you.

8 Please continue.

9 BY MR. MARINOVIC:

10 Q What would you say is the primary responsibility of a
11 mechanic?

12 A Primary? Say that again.

13 Q Your most important responsibility as a mechanic, what is
14 it?

15 A What is my most --

16 Q Yeah.

17 A -- important? Is to repair the vehicles. And make sure
18 they're safe 'cause the vehicles got car seats in them.

19 Q Do yard people repair vehicles?

20 A No.

21 Q Do washers or cleaners repair vehicles?

22 A No.

23 Q Do escorts repair vehicles or drivers?

24 A No. No, they wouldn't know how to.

25 Q Has there ever been an occasion when any one of those

1 any input into that maintenance record that you -- that a
2 mechanic would write down on?

3 A Do they have any input in it?

4 Q Yes, do they get involved in that process? When you're
5 writing down whether or not a vehicle has been serviced in some
6 way or whether it's been checked?

7 A No, no, they don't get involved in that. That goes right
8 back to the director, Yuri.

9 Q Okay. Well, let's talk about -- I'm going to direct your
10 attention now to interactions with escorts. As a mechanic do
11 you have any interactions with escorts?

12 A Only when I see them over at Douglaston. Just in
13 conversation, how you doing? How's your family?

14 Q So just cordial conversation?

15 A Yeah.

16 Q Nothing related specific to work, whether or not --

17 A No, no.

18 Q -- performance of work?

19 A No, no.

20 Q And you testified about interaction with drivers.

21 A Right.

22 Q Some interactions might occur at your facility if a driver
23 comes and brings the vehicle; is that right?

24 A That's right.

25 Q Some interaction might happen at Douglaston if you are

- 1 there or another mechanic is there to service the vehicle; is
2 that right?
- 3 A Yeah.
- 4 Q And some interaction occurs if there's a road call?
- 5 A Yes.
- 6 Q Is there any other interaction that you have with drivers,
7 other than those three areas?
- 8 A No. Uh-huh.
- 9 Q And when -- if a driver brings a vehicle to be serviced or
10 to be repaired at the Great Neck facility and you're working on
11 it, how long is that conversation with the driver?
- 12 A How long is that conversation with the driver?
- 13 Q Yeah.
- 14 A It's only a few minutes. Not that long.
- 15 Q Okay. And is --
- 16 A They basically tell us what the -- you know, whatever
17 problem they was experiencing. That's it.
- 18 Q And is it true -- would it be similarly true for the
19 interaction with the driver, would it only be a few minutes at
20 Douglaston for whatever the problem was with the vehicle there?
- 21 A No, it's more time at Douglaston 'cause I personally be at
22 Douglaston at lot in the mornings, just as I told you.
- 23 Q No, no, I'm saying the communication with the driver.
- 24 A Yeah, in the morning.
- 25 Q So what other -- what other communication do you have with

- 1 a driver at Douglaston?
- 2 A The same thing, how you doing and different things and --
- 3 different drivers --
- 4 Q Well --
- 5 A -- will take me --
- 6 Q I'm sorry, go ahead.
- 7 A Different drivers will call me, like, in the mornings and
- 8 take me to different buses, that's how I start with different
- 9 lists on different problems. So it's a lot more time at that
- 10 point.
- 11 Q But for each driver would -- is it a few minutes --
- 12 A Yeah.
- 13 Q -- of conversation?
- 14 A Sure. Sure.
- 15 Q Do mechanics have any responsibility for children?
- 16 A No.
- 17 Q Are you eligible for any kind of employee benefits from
- 18 Iridium?
- 19 A Am I eligible?
- 20 Q Yes.
- 21 A Whatever they normally give, that's it. I see it on my
- 22 taxes and stuff like that.
- 23 Q Okay. Well, what kind of benefits do you receive from
- 24 Iridium?
- 25 A What kind of benefits do I receive from them?

1 your knowledge?

2 A I would say -- yeah, I would say so.

3 Q Okay.

4 A I would say.

5 **(Pause.)**

6 Q Do you wear a uniform, other than the shirt that you're
7 wearing with you -- wearing today? Is there another part of
8 your uniform? Your pants, for example, are they -- do they
9 have to be a specific color?

10 A Yeah, the color for working on a bus, dark color, 'cause
11 you're going to get dirty.

12 Q Well, my question is does the Company require you to wear,
13 for example, black pants or blue pants or anything like that?

14 A Yes.

15 Q What is it? What does the Company require?

16 A A dark color.

17 Q A dark color.

18 A Dark color. The mechanics. I don't know about nothing
19 else.

20 Q That's all I'm asking about is the mechanics at this
21 point.

22 A Right.

23 Q And the shirt. Is there any other part of the uniform
24 that you're not wearing today that a mechanic usually wears?

25 A Well, we have jackets, we have vests, we have hats, you

1 having been previously duly sworn, was recalled as a witness by
2 and on behalf of the Petitioner and, was examined and testified
3 as follows:)

4 MR. POLLACK: You know what, let me just go fill up his
5 water bottles so he has water on the stand.

6 HEARING OFFICER STOLZBERG: Okay, we'll go off the record.

7 (Whereupon, a brief recess was taken.)

8 HEARING OFFICER STOLZBERG: Back on the record.

9 Mr. Marinovic, your cross.

10 MR. MARINOVIC: Thank you, Mr. Stolzberg.

11 CROSS-EXAMINATION

12 BY MR. MARINOVIC:

13 Q Hello, Mr. Komsky. Can you tell us how many contracts --
14 you referred in your testimony to contracts with the Department
15 of Education. Do you have any other contracts for school bus
16 transportation, other than with the New York City Board of
17 Education?

18 A No.

19 Q And each of these contracts is for pre-K and --

20 A Yes.

21 Q -- early intervention students; is that right?

22 A Yes.

23 Q How many runs do you have in total?

24 A Seventy.

25 MR. POLLACK: 7-0?

1 THE WITNESS: Yeah.

2 BY MR. MARINOVIC:

3 Q That's all three companies connected together; is that
4 correct?

5 A Um-hmm.

6 MR. POLLACK: Is that a "Yes"?

7 THE WITNESS: It's a "Yes."

8 BY MR. MARINOVIC:

9 Q What are the hours of operation for the Companies?

10 A 6:00 in the morning to 8:00 evening.

11 Q And is that seven days a week?

12 A Five days a week.

13 Q Monday through Friday?

14 A Yes.

15 Q What about weekend work, do --

16 A Only mechanics.

17 Q Mechanics do weekend work?

18 A Sometimes.

19 Q How often do mechanics do work --

20 A If I ask them.

21 Q -- on the weekends?

22 A I don't know, I cannot say.

23 Q Can you estimate, is it more than 10 times a year?

24 A I cannot say.

25 MR. POLLACK: Objection. Hold on. Objection to the form

1 companies? Any of the three companies?

2 A No.

3 Q Are their supervisors for the Companies?

4 MR. POLLACK: Objection to the form of the question.

5 HEARING OFFICER STOLZBERG: All, please rephrase in non-
6 conclusary terms.

7 BY MR. MARINOVIC:

8 Q Do you have employees --

9 **(Pause.)**

10 Withdrawn. Other than yourself, does Yuri hire employees?

11 A Yes.

12 MR. POLLACK: Strike that. Objection, to the form of the
13 question. That was -- can you just rephrase it, it wasn't
14 worded very well, Rob.

15 BY MR. MARINOVIC:

16 Q Does Yuri have the authority to hire employees?

17 A Yes.

18 Q Okay. Does Mr., I'm sorry, Alishaue, I'm going to try to
19 remember his name. Does Mr. -- does any other person have the
20 authority to hire people at the Company, other than you and Mr.
21 Alishaue?

22 A No.

23 Q How about to move people from one location to another?

24 MR. POLLACK: Objection. On a permanent basis or?

25 MR. MARINOVIC: Well, let's --

1 MR. POLLACK: For a day or?

2 BY MR. MARINOVIC:

3 Q Let's say on a permanent basis, first.

4 A I don't understand what's mean "moved"?

5 Q If you have a mechanic who works at Van Dam and you wanted
6 to move him to Great Neck, who would have the authority to move
7 that person?

8 A Who would have authority?

9 Q yes.

10 A I have authority.

11 Q Okay. How about Mr. Alishaue; same thing?

12 A Same thing.

13 Q Anyone else have that authority?

14 A No.

15 Q Now, how about on a temporary basis; if you needed to move
16 a driver from -- I'm sorry, not a driver, but a mechanic or a
17 helper, from one location to another on let's say a temporary
18 basis for a week, who would have the authority to do that?

19 A Yuri Alishaue and me.

20 Q Okay. No one else?

21 A No.

22 **(Pause.)**

23 MR. POLLACK: Can we just go off the record; I've got a
24 ringing in my ear.

25 THE WITNESS: Is Jeff okay?

1 Q Why do you go -- strike that. Do you work Monday through
2 Friday?

3 A Monday, Friday.

4 Q Do you work Saturdays and Sundays?

5 A No.

6 Q What are your job duties? What do you do?

7 A I am examining old buses. I also examine old buses when
8 they come back in the evening, after the shift, if they are in
9 good condition or not. The drivers are telling me we have to
10 fix this, we have to fix that. And then I am sending them to
11 the repair shop.

12 MS. OCHS: Excuse me, Mr. Hearing Officer. Can you please
13 instruct the interpreter that I need to hear him clearly. He
14 needs to sit up.

15 **(Simultaneous speech.)**

16 HEARING OFFICER STOLZBERG: Okay. Thank you, Andre (ph.).

17 BY MR. POLLACK:

18 Q Okay. So what else besides examine the buses and the
19 drivers tell you what needs repair, what else do you do?

20 MS. OCHS: I'm going to object to that question. I don't
21 think that was his answer. And I'd move to read it back. The
22 drivers tell him what needs repair.

23 HEARING OFFICER STOLZBERG: Piuter, can you please
24 describe again what communication the drivers give to you with
25 regard to the buses?

1 MS. OCHS: No, whether, what is -- start over with him
2 speaking clearly about what he does.

3 HEARING OFFICER STOLZBERG: Okay. Mr. Pollack, please
4 rephrase your question.

5 BY MR. POLLACK:

6 Q You said you examine buses, right?

7 A Yes.

8 Q What do you mean by examine the buses?

9 A Complete examination, what is to be repaired, what is not
10 working, cleaning the bus.

11 Q And when do you do this examination of the bus?

12 A When they come back to the garage in the evening from 3:00
13 to 6:00.

14 Q Are the drivers there on the bus while you are doing this
15 examination?

16 MS. OCHS: Objection. Leading.

17 HEARING OFFICER STOLZBERG: Please rephrase your question.
18 I agree.

19 MR. POLLACK: Leading questions are allowed in this
20 hearing.

21 HEARING OFFICER STOLZBERG: Not on direct.

22 BY MR. POLLACK:

23 Q Where are the drivers when you are doing these
24 examinations?

25 A They come and they are bringing the bus and I am doing the

1 examination myself, I bring the bus to the garage.

2 MS. OCHS: Can he restate that answer, please?

3 HEARING OFFICER STOLZBERG: Yes, Andre, can you please
4 restate it?

5 MS. OCHS: You need to start out clear.

6 THE INTERPRETER: They are not there when I am examining
7 the bus. I am examining myself and I send the bus to the
8 garage.

9 BY MR. POLLACK:

10 Q So do you drive the bus, too, to the -- do you do any
11 driving of the bus in the yard?

12 A Sometimes, I do it, myself. When they cannot do it, I do
13 it myself.

14 Q When they cannot do what?

15 A If they cannot park because the yards were narrow.

16 Q So sometimes you park the bus for the drivers?

17 A Yes.

18 Q And how would you know whether you are going to park the
19 bus or whether or not the driver is going to park the bus?

20 A They come to me, themselves, and they tell me please park
21 the bus.

22 Q And if they are going to park the bus, if the driver is
23 going to park the bus, how do they know where to park the bus?

24 A I am standing there. There are cleaners who are working
25 in the yard. They are helping them to place the bus.

- 1 different. It's different.
- 2 Q Let's take it another way. In the morning, what contact
3 do you have? Do you speak with the drivers in the morning?
- 4 A Yeah, they are asking me the bus is ready. I am telling
5 the bus is ready. And they leave.
- 6 Q What else besides they ask you if the bus is ready and you
7 tell them the bus is ready?
- 8 A Nothing else.
- 9 Q Do you ever pull the bus out in the morning? Do you ever
10 pull any buses out of parking spots?
- 11 A Yeah, I do it, myself. Because if I don't do it, they
12 break the bus up. If I do it, myself --
- 13 Q So how often do you pull the buses out of the parking
14 spots in the morning?
- 15 A Always every day.
- 16 Q And how many buses do you pull out of the parking spots?
- 17 A It depends, 20, 30.
- 18 Q In the morning, the drivers come into the yard. They ask
19 you if the bus is ready. Right?
- 20 A Yes.
- 21 Q How do the buses, how do the drivers know -- strike that.
22 How do the drivers get the key to their bus?
- 23 A There is a place where the keys are hanging on the wall
24 and they take keys from there. Sometimes -- or I do it myself.
- 25 Q I'm sorry. I didn't hear that.

1 HEARING OFFICER STOLZBERG: Sometimes he hands the keys to
2 the drivers? Or what does he do with the keys?

3 THE WITNESS: They hang in the entrance.

4 BY MR. POLLACK:

5 Q Do drivers use Nextel radios, two-way radios?

6 A Yes.

7 Q How do they get their two-way radios in the morning?

8 A They take the radios in the office.

9 Q Do you ever give them the radios?

10 A I give some of them. Some of them take them home.

11 Q How about do the drivers have to get any paperwork in the
12 morning?

13 A They do. The application showing what is good with the
14 bus, what is not good with the bus.

15 Q And any of that paperwork, can the drivers give it back to
16 you -- the drivers hand you any paperwork?

17 A Yeah, they give it to me.

18 Q They are giving you what? What paperwork are they giving
19 you?

20 A Pre-inspection.

21 Q Pre-inspection, okay. And do you give the driver any
22 paperwork?

23 A No.

24 Q So now after they give you the pre-inspection paperwork,
25 then do the drivers leave and go out with their buses?

- 1 A Yes.
- 2 Q So after the drivers have left and the drivers are out
3 with their buses, now what do you do? What's the next thing you
4 do during the day?
- 5 A I am staying in the yard.
- 6 Q Now I believe you said that you go to Van Dam a few times
7 a day?
- 8 A Sometimes I. Sometimes my cleaners do that.
- 9 Q How often do you personally go to Van Dam Street?
- 10 A Almost every day.
- 11 Q Is it more than once a day?
- 12 A Yes.
- 13 MS. OCHS: Asked and answered on this.
- 14 BY MR. POLLACK:
- 15 Q Why? What are some of the things you go to Van Dam Street
16 for?
- 17 A It is for inspection.
- 18 Q For inspection of what?
- 19 A (indiscernible).
- 20 Q Are you driving buses over there?
- 21 A Yes.
- 22 Q You are driving buses over there that are going to be
23 inspected by the --
- 24 A Yes.
- 25 Q Now when you are at Van Dam, do you do any work at Van Dam

1 Street?

2 A I work at the yard every day.

3 Q At the Van Dam Street yard?

4 A No, no, no.

5 Q Okay. So what do you do once you drop off the bus that's
6 going to be inspected, what do you do then?

7 A I leave the bus and give me a ride back to the yard. When
8 the bus is ready, I come back and pick up the bus.

9 Q Sometimes do you bring other buses back to Van Dam, I mean
10 other buses from Van Dam to Douglaston?

11 A Yes.

12 Q And do you ever go to the facility in Great Neck?

13 A Yes.

14 Q When do you go to the facility in Great Neck?

15 A Six, seven times a day.

16 THE INTERPRETER: I apologize. Can you please instruct
17 the witness to testify in one phrase. Because if he say more
18 phrases, it is hard for me to translate. I want to do the exact
19 translation. So excuse me.

20 HEARING OFFICER STOLZBERG: Piuter, if at all possible try
21 to keep your responses in one phrase. And wait until the
22 interpreter is done translating one phrase before beginning
23 another one.

24 THE WITNESS: Okay.

25 BY MR. POLLACK:

- 1 Q So the question I asked was how often do you go to the
2 Great Neck facility?
- 3 A Five, six times.
- 4 Q Five, six times per what?
- 5 A A day.
- 6 Q What do you go to the Great Neck facility for?
- 7 A Some small work. Or tell the small work that is supposed
8 to be done with the bus and bring the bus there, sometimes
9 checking tires, oil change.
- 10 Q Once you drive the bus over to Great Neck, do you do any
11 work at the Great Neck facility?
- 12 A No.
- 13 Q Then you just return back to Douglaston?
- 14 A Yes.
- 15 Q Would that be sometimes they give you a ride, sometimes
16 you take a bus? Same thing with Van Dam?
- 17 THE INTERPRETER: Excuse me?
- 18 BY MR. POLLACK:
- 19 Q Sometimes you get a ride back from somebody to Douglaston?
- 20 A Yes.
- 21 Q And sometimes you drive a bus back?
- 22 A Yes.
- 23 Q And do you ever go to the yard on West 15th Street in
24 Coney Island?
- 25 A If they have broken bus, I bring them another bus and pick

- 1 up the bus which is broken from them.
- 2 Q How often does that happen?
- 3 A It is not very often. Once in two weeks.
- 4 Q Now what time do the drivers start coming back to the yard
- 5 in the afternoon?
- 6 A About 3:00, 3:30.
- 7 Q So starting around 3:00, or whenever the drivers start
- 8 coming back to the bus, what's your job then once the drivers
- 9 start coming back to the yard?
- 10 A I make inspection, check buses. Cleaning. Washing. And
- 11 then we put it back in the yard.
- 12 Q Do you talk to the drivers at all when they come back in
- 13 the afternoon?
- 14 A Every day.
- 15 Q What do you talk to the drivers about?
- 16 A They are telling me what is not good, the bus has to be
- 17 cleaned or washed, something must be replaced, changed.
- 18 Q And do you ever ask them questions about what they are
- 19 telling you?
- 20 A No.
- 21 Q So what do you do when they tell you this? What do you do
- 22 with that information?
- 23 A I have a special book. I write it down in the book and
- 24 then send the bus for repair.
- 25 Q What do the drivers do with their keys in the afternoon

- 1 do with the Nextel radio?
- 2 A There is a special place for the radios where they leave
3 the radios for charging, to charge them.
- 4 Q And do drivers ever ask you to take the radio from them?
- 5 A Yes.
- 6 Q How often does that happen when a driver asks you to?
- 7 A Every day.
- 8 Q How often does it happen that a driver asks you to take
9 the keys from him or her?
- 10 A Many of them.
- 11 Q The question was how often?
- 12 A Every day.
- 13 Q What time do the drivers basically finish coming back?
14 What time are most of the drivers back in the yard?
- 15 A It depends on the traffic, mostly 5:00, 6:00, sometimes --
- 16 Q Do you wait for all the drivers to come back before you
17 can leave?
- 18 A All of them, yes.
- 19 Q Why do you have to wait for all of the drivers to come
20 back?
- 21 A I must prepare for the next day. I must keep the buses
22 ready for the next day. Maybe sometimes they don't turn off the
23 lights or something else.
- 24 Q So what do you do to prepare the bus for the next day?
- 25 A Checking everything, cleaning, washing.

1 HEARING OFFICER STOLZBERG: I think there was distinct
2 questions. My understanding of what he answered before was that
3 he talks to drivers in total two to five minutes. And what Mr.
4 Pollack just asked was each individual driver, how long did he
5 talk to --

6 MR. POLLACK: And he just said two to five minutes.

7 HEARING OFFICER STOLZBERG: Please ask it again and let
8 him answer again. I didn't hear that.

9 BY MR. POLLACK:

10 Q How long in the morning do you spend talking to each
11 particular driver?

12 A Two to five minutes.

13 Q And approximately how many drivers do you talk to in the
14 morning?

15 A Almost all of them.

16 Q And approximate how many drivers do you spend -- strike
17 that. Approximately how long do you spend talking to each
18 particular driver in the afternoon?

19 A About the same time. They come in. They tell me what to
20 do with the car --

21 Q Did you say car?

22 A The mini bus.

23 Q And how many drivers do you talk to in the afternoon about
24 what they want you to do with the bus?

25 A All of them.

1 Q Do you know what a spare driver is?

2 A Yes.

3 Q What's a spare driver?

4 A When somebody don't show up for work, a spare driver takes
5 the shift and goes.

6 Q Does a spare driver have an assigned bus route?

7 A No.

8 Q And does Iridium have any spare drivers?

9 THE INTERPRETER: Excuse me?

10 BY MR. POLLACK:

11 Q Does Iridium, does the company have any spare drivers?

12 A Yes.

13 Q Do you know how many spare drivers the company has?

14 A Four or five.

15 Q And if all the employees show up so the spare drivers
16 don't have to drive a route, what do the spare drivers do?

17 A Bring the bus to Van Dam, buses to Van Dam.

18 Q Do the spare drivers ever bring the buses to Great Neck?

19 A Yes.

20 Q Do the spare drivers ever ride on the bus with you to go
21 to Van Dam?

22 A Only with me.

23 Q Do they ever bring a bus, themselves, to Van Dam?

24 A No, not always.

25 Q So do they bring buses back from Van Dam?

1 A After the inspection, yes.

2 Q Do the spare drivers ever ride on the bus with you over to
3 Great Neck?

4 A Yes.

5 Q And then would they be bringing back buses that have been
6 repaired?

7 A Yes.

8 Q And how often does that happen that the spare drivers ride
9 with you on the bus to Great Neck?

10 A I wouldn't say every day. It happens really every other
11 day.

12 Q And how often do the spare drivers ride with you on the
13 bus to Van Dam?

14 A Three times a week, two times a week. I have three buses
15 there.

16 Q What do you mean you have three buses there?

17 A Three buses for inspection. I'm bringing them back and
18 forth.

19 Q Do the drivers ever drive a bus not as a passenger with
20 you on the bus? Do the drivers ever drive the buses over to
21 Great Neck by themselves?

22 A Sometimes, yes.

23 Q How often do the drivers drive the bus over to or drive a
24 bus over to Great Neck?

25 A Usually, I do that.

1 Q I think you just testified that sometimes the driver does
2 it, right?

3 A Yes.

4 Q And you said that usually you do it, right?

5 A Yes.

6 Q So how often rather than you driving the bus over there,
7 how often does a driver drive the bus over?

8 A Sometimes, something breaks, the bus breaks, I bring it
9 for repair and they take --

10 THE INTERPRETER: I apologize. I didn't really catch the
11 answer. I'm trying to --

12 MR. POLLACK: All right, I'll try again.

13 BY MR. POLLACK:

14 Q So, Piuter, most of the time you drive the buses to Great
15 Neck, right?

16 A Yes.

17 Q But there are some times that the driver drives the bus or
18 a driver drives a bus over to Great Neck, right?

19 A Drivers, they don't usually do that. Spare driver
20 sometimes. I do it sometimes.

21 Q Okay. So spare drivers. How often do spare drivers drive
22 a bus over to Great Neck?

23 A Almost every day.

24 Q But regular drivers, i.e. drivers that have assigned runs,
25 they don't often drive to Great Neck?

1 A No, they don't.

2 Q Okay. And do spare drivers drive buses over to Van Dam
3 Street?

4 A Yes.

5 Q And how often does that occur?

6 A During the inspection, the inspection sometimes several
7 buses, three, four buses are coming for inspection. Sometimes
8 we are bringing the buses back from inspection.

9 Q Does it happen every week that a spare driver drives a bus
10 over to Van Dam?

11 A Always, yes.

12 Q Are there any other reasons that a spare driver -- strike
13 that. Do you know what a spare escort is?

14 A Yes.

15 Q What's a spare escort?

16 A The help drivers who give rides to children.

17 Q What's what an escort is generally, right?

18 A Yes.

19 Q I asked you about a spare driver, you told me that a spare
20 driver fills in for an absent driver, right?

21 A Yes.

22 Q Are there escorts that fill in for absent escorts?

23 A Yes.

24 Q And those escorts don't have an assigned run, correct?

25 A No.

1 Q And how many spare escorts are there?

2 A Maybe three, four.

3 Q And does it ever happen that spare escorts don't have to
4 go out on a run or that there are no absences?

5 A It has happened.

6 Q So what do the spare escorts do during the day if they
7 don't have to actually go out on a run?

8 A I don't know.

9 Q Do you ever see them at the Douglaston facility?

10 A Yes, I do.

11 Q Are they doing any kind of work or what are they doing?

12 A Sitting in the car, trailer.

13 Q The employee break room?

14 A Yes.

15 Q Piuter, do you know what type of work they do at the Van
16 Dam facility?

17 HEARING OFFICER STOLZBERG: I'm sorry. What type of work
18 who does?

19 BY MR. POLLACK:

20 Q Strike that. Do you know what kind of repair work is done
21 at the Van Dam facility?

22 A Everything. But when they have heavy duty work like
23 engine transmission repair, they bring the bus to Van Dam.

24 Q And do the spare drivers ever drive buses to Van Dam for
25 things other than the inspection?

1 mechanic? Is that the thrust of the question?

2 MS. OCHS: That wasn't the question. The question was he
3 was describing the routine and he said he drives the bus back,
4 they pick up the bus after he has left, did he have any
5 interaction with the mechanic.

6 HEARING OFFICER STOLZBERG: I think that's a fair
7 question. And the reader of the record will be able to decide.
8 Continue.

9 MS. OCHS: So he answered it, okay.

10 BY MS. OCHS:

11 Q And, Mr. Hernandez, did you work at the company when
12 Piuter -- did you know Piuter, who testified today?

13 A Si (sic).

14 Q So he was working there when you were working there?

15 A Yes.

16 Q And how often did you speak with him, if at all?

17 A As a friend. I speak basic English. Just things as
18 co-workers, or when there was a problem or something like that
19 with the lights, so I asked Mr. Piuter or Mr. Bank, and they
20 came to fix it.

21 Q Were you required to meet with him every morning?

22 A No.

23 Q Were you required to meet with him when you brought the
24 bus back?

25 A No.

- 1 Q And when was your last day there?
- 2 A My last day was on March 22nd.
- 3 Q Of this year?
- 4 A Of this year, yes.
- 5 Q And what position did you hold?
- 6 A I was a driver.
- 7 Q Out of what location did you drive? What was your base?
- 8 A Out of Douglaston.
- 9 Q Can you please describe for me your, well, what vehicle
- 10 did you drive?
- 11 A It was like a 20-passenger, like a mini bus.
- 12 Q What was your job responsibility? What did you do?
- 13 A Well, my job responsibility was to be there by early in
- 14 the morning. I used to arrive around 6:20, wait for my matron.
- 15 She usually was there. I pick up my keys by the office, by the
- 16 entrance, pick up my keys, pick up my walkie-talkie.
- 17 Q I'm going to stop you a minute. Did you have a regular
- 18 shift?
- 19 A Yes, in the morning.
- 20 Q What time did you work? You reported for work at what
- 21 time?
- 22 A I usually was there like around 6:15, 6:20.
- 23 Q Every day?
- 24 A Every day.
- 25 Q And how many days a week did you work?

1 A Five, Monday through Friday.

2 Q What time did you typically return the bus to the yard?

3 A It was around maybe 4:15 -- no, I used to finish around
4 4:15. 4:45, I used to arrive. Sometimes, if it was, if a child
5 was absent and I don't have to go to him, then I used to be
6 there around maybe around 4:30.

7 Q Did you have a regularly assigned route?

8 A Route? Um-hum.

9 Q Yes, right. And how did you get that route?

10 A How did I get that route? My route, it was another driver
11 but he left to another company. And I was hired to do that
12 route. So by the month of December, I trained by the previous
13 driver, I was trained by him to do that route. So I started in
14 January doing the route.

15 Q Is someone on the bus with you when you do the route?

16 A If somebody was in the bus with me?

17 Q Yes. Is anyone on the bus with you when you --

18 A Sure. It was the driver who was training me, myself, and
19 Liliana. She was the matron from the previous driver.

20 Q So why don't we back up and just explain for the record
21 what it is that the company does and what you do as a driver.

22 A Well, as a driver coming in, in the morning, doing my,
23 first of all, picking up my keys, if there was any changes of my
24 route, picking up my new schedule of the route.

25 Q Where do you pick up your keys?

1 your route, you just keep on doing your route, when I don't see
2 that nobody changed your route.

3 Q Okay. And what is the job of the escort?

4 A Okay. Her duties are that she is with me in the bus.

5 Q Every day?

6 A Every day. She cleans the bus. When I was heating the
7 bus, I used to clean the windows. And we wash it with cleaner
8 inside. She has to sweep and clean the windows from the inside.
9 Meanwhile, I'll clean it from the outside.

10 Q Did anyone else clean your bus?

11 A No.

12 HEARING OFFICER STOLZBERG: I'm sorry. At this time or at
13 all?

14 THE WITNESS: At all.

15 MR. POLLACK: Objection. I mean how does she know?

16 HEARING OFFICER STOLZBERG: Right.

17 MS. OCHS: Well, in her daily routine.

18 HEARING OFFICER STOLZBERG: Okay. In her daily routine,
19 okay. Thank you.

20 THE WITNESS: I was the only one who used to clean my bus.

21 BY MS. OCHS:

22 Q How often did you clean your bus?

23 A Every day. Every day. Because I had to clean my -- the
24 drivers, they used to tell me you have to clean your windows
25 because if the DOT, they see that the windows are not clean,

1 Q In a usual day, do you stay on the road during the day or
2 do you come back to the base?

3 MR. POLLACK: Objection.

4 HEARING OFFICER STOLZBERG: What's the basis?

5 MR. POLLACK: On the road implies on the road. Also a
6 leading question.

7 HEARING OFFICER STOLZBERG: Rephrase, clarify your
8 question. Do you mean driving? Do you mean sitting in the bus?

9 BY MS. OCHS:

10 Q Okay. Where do you take -- do you get any breaks during
11 your workday?

12 A Yes.

13 Q And where do you go take your breaks?

14 A It was only one break. Can I explain to you how it was
15 or --

16 Q I'm asking your regular routine, not exceptions, so during
17 your regular --

18 A We have a break, yes.

19 Q Okay. Is this a lunch break?

20 A Yes, it was like a lunch break.

21 Q Okay. And where do you go for your lunch break?

22 A We usually will stay around with Liliana, because we had
23 to go back by 1:15, back to pick up the other kids by 2:00.

24 Q So you said we. Who are you referring to?

25 A Myself and my matron, Liliana.

1 Q So you drop students off in the morning, is that correct?

2 A Yes. By 9:00, I have to drop off my first route.

3 Q And then you pick up students from that same school?

4 A No. Then I had to do my midday. Then at 9:00 I have to
5 go and fill up my tank and then just maybe run and get maybe
6 like a cup of tea, and then run again. The first pick up kids,
7 it was by quarter to 10:00, because we had to do it early so by
8 11:30 we had to pick up 10 children. And it was a long
9 distance. And we had to be there because I don't want anyone to
10 school to be complain that I was late. So I had to like short
11 my break in the morning so I will have time for my midday so I
12 can pick up my kids on time and be there at least 10 minutes
13 before they open the doors and have the kids ready to bring them
14 outside.

15 Q So then you are now returning different children to their
16 homes?

17 A Yes. Three different routes. I leave, I pick up kids, by
18 7:00 pick up time. And then I have three routes in the morning.
19 One was in one school. It was ICCD.

20 Q ICCD?

21 A Uh-huh. And then the other one was PS-74. And then I had
22 to go down by the Clearview, I had to go down to leave the other
23 child in Clintonville. It was one child.

24 Q Okay.

25 A And then from there, I had to leave him at 9:00. 9:00, I

1 had to go and put on the gas, fill up my tank, because quarter
2 to 10:00, I had to be by Fresh Meadow to pick up my midday, my
3 first midday.

4 Q So this is about 4:00?

5 A Uh-huh, by 4:00. And then after that, I have to pick my
6 10 kids, and then leave them at -- what was the name of the
7 school? Not Little Wonders. It was by Wood Haven and Freedom.
8 What was the name of the school?

9 Q That's okay. So this is now the fifth pick up?

10 A This is my fifth pick up, yes. Altogether, it was seven
11 routes.

12 Q At the school? I'm sorry?

13 A Yes. I picked them up in the morning 10:00, right?
14 Quarter to 10:00. And then I had to be there by 11:20, because
15 by 11:25, they usually open the doors.

16 Q Okay.

17 A And then it was my break. They opened 11:30, then we have
18 our break from 11:30 to 1:00, 1:15. And then we have to go
19 back.

20 Q What did you do during your break?

21 A During our break, what we used to do, we used to just
22 maybe hang around. And then Liliana lives around there in the
23 area by Hillside. And we used to park the car by Liliana or by
24 Wendy's, have something to eat, because we haven't eat anything,
25 or she used to go to her house and I used to stay by Wendy's.

1 A Leave it on the bus. And then at the end of the month, on
2 the 31st, we had to bring it inside to the office for them to
3 get paid.

4 Q Who do you give it to in the office?

5 A To this girl. What's her name? What's her name? Milky
6 (ph.)? I think she's, how you call it, she's like a dispatcher.
7 She does I think a little bit of everything there.

8 Q When you arrive at work in the morning, do you clock in?
9 Do you sign in? What happens to say you're at work?

10 A No, we don't clock in, none of us. There's no clock
11 machine there.

12 Q Okay. Do you do any --

13 A Because I think that we get paid by day.

14 Q Do you sign in? How does the company know you are there?
15 Well, let me just -- do you sign in? Do you sign any piece of
16 paper?

17 A No. Myself, I never did.

18 Q And when you come back at night, do you punch out?

19 A No, there's no time clock.

20 Q Do you sign out?

21 A I never did.

22 Q Okay. So can you estimate how many minutes a day you were
23 at the -- in a typical day, you were at the Douglaston yard?

24 A Maybe in the morning, like 10 minutes but not in the
25 office, in the yard, heating up the bus.

- 1 Q And at the end of the day?
- 2 A At the end of the day, not really, maybe like less than
3 five minutes. I was just to park the bus, I'm being honest,
4 park the bus, bring in the keys, and leave.
- 5 Q Okay. What qualifications -- what kind of driver's
6 license do you have?
- 7 A I have a BPS driver license, I have with the endorsement
8 with air brakes.
- 9 Q Do you know what qualifications, what other qualifications
10 do you have for this job?
- 11 A As a driver?
- 12 Q Yes.
- 13 A Qualifications like --
- 14 Q Do you know what a 19(a) certification is?
- 15 A Well, I take special like training classes or refreshment
16 classes?
- 17 Q Did you take special training classes to get this job?
- 18 A Yes, I did.
- 19 Q What were those training classes?
- 20 A Especially me that I had the BPS, it was air brakes.
- 21 Q Okay.
- 22 A And to be hired for -- you had to take like a training to
23 see if you are capable to drive the bus, even though it's a
24 small bus.
- 25 Q Any training for working with students, any training

1 that are not drivers, someone who is just as a cleaner?

2 A Not that I know of, no.

3 Q Have you ever seen an employee who is a cleaner, who
4 doesn't drive buses?

5 MR. POLLACK: Objection.

6 HEARING OFFICER STOLZBERG: She just said she didn't know
7 if the company employs cleaners. You can ask if you've ever
8 seen anybody clean a bus.

9 BY MS. OCHS:

10 Q Do you know if the company employs washers?

11 A No.

12 Q Who have you seen --

13 MR. POLLACK: Hold on, hold on. Please. It's unclear
14 what her no meant. It's unclear if her no meant she doesn't
15 know or if her no was no.

16 HEARING OFFICER STOLZBERG: Okay. Please restate the
17 question and ask for another answer.

18 THE WITNESS: Let me help you. Let me see if I
19 understand. You're saying that if I know if there are washers
20 and cleaners in the company?

21 BY MS. OCHS:

22 Q I'll just do it differently.

23 A Okay.

24 Q You are in the yard in the morning. Do you clean -- when
25 do you clean your bus, in the morning or when you return?

1 A In the morning before I go for my pickups. In the
2 morning, meanwhile I'm heating my bus, me, while I'm heating the
3 bus, Lilitana, she sweeps the floor, she puts the new garbage
4 back, I take out every day. And meanwhile she's sweeping
5 inside, she cleans the mirrors inside, and then I do the
6 outside.

7 Q Are there other buses leaving when your bus is leaving in
8 the morning?

9 A Yeah.

10 Q Are there other drivers there in the morning?

11 A Yeah. Most of them, when I see them, they are heating up
12 the bus and they are cleaning the mirrors, especially in the
13 wintertime. It gets like foggy. It's wet. So we have to clean
14 it because how we going to drive.

15 Q So you see other employees cleaning buses in the morning
16 when you are there?

17 A Yeah, most of them, they are cleaning their buses. And
18 they just --

19 Q Are they drivers that are cleaning? Who do you see
20 cleaning buses in the morning?

21 A The drivers and the matrons.

22 Q Do you see any other employees cleaning buses in the
23 morning?

24 A No, drivers and matrons.

25 Q And what about in the evening when you return, do you do

1 any kind of cleaning on the bus, of the bus?

2 HEARING OFFICER STOLZBERG: I think we already went
3 through this, didn't we?

4 MS. OCHS: I'm asking to get to another question.

5 HEARING OFFICER STOLZBERG: Okay.

6 THE WITNESS: Yeah. I take out the garbage bag from the
7 day.

8 BY MS. OCHS:

9 Q All right. And do you see other drivers when they return?

10 A No.

11 Q Do you see other people when you return to the yard?

12 A Yes.

13 Q Other buses coming in at the same time?

14 A Meanwhile I'm coming in, there are a few ones that they
15 are behind me that they want to park. So everybody is
16 individual. Everybody park their bus, brings in whatever they
17 have to bring inside, and they just leave. That's it.

18 Q Do you ever see people other than drivers or matrons
19 cleaning their buses, cleaning buses?

20 A No.

21 Q Okay.

22 MS. OCHS: Give me one second.

23 **(Pause.)**

24 **HEARING OFFICER STOLZBERG: We'll go off the record.**

25 **(Whereupon, a brief recess was taken.)**

1 Petitioner 1. Okay, continue.

2 **DIRECT EXAMINATION**

3 BY MS. OCHS:

4 Q Ms. Galindo, who do you work for?

5 A I work for Iridium Company.

6 Q Iridium?

7 A Yes.

8 Q And how long have you worked for them?

9 A I work for one year and four months.

10 Q Are you currently employed by them?

11 A Not right now. He fire me.

12 Q When did he fire you?

13 A The day that I was sitting here.

14 Q Yesterday?

15 A Last week. Thursday.

16 Q Last week. Thursday?

17 A No, Friday. It was Friday.

18 Q And when you did work for Iridium, what position did you
19 hold?

20 A Matron.

21 Q As a matron, can you tell me what your job was?

22 A Taking care of the kids inside the bus, make sure they're
23 safe. I put a seatbelt for them --

24 Q And did you work full-time?

25 A Yes.

- 1 Q What time did your day start?
- 2 A 6:00 in the morning.
- 3 Q And where did you report for work in the morning?
- 4 A Douglaston.
- 5 Q The Douglaston facility?
- 6 A Yes.
- 7 Q Can you tell me did you have a regular route that you were
- 8 assigned?
- 9 A Yes, I did.
- 10 Q Did you have a regular driver that you worked with?
- 11 A They change it, but I do have a regular driver.
- 12 Q Who was your driver most recently?
- 13 A Mercedes.
- 14 Q And who was your driver before that?
- 15 A There was a guy before her.
- 16 Q So you've had two drivers? You worked with two drivers in
- 17 the time you worked for the company?
- 18 A No. I've worked with different drivers. They changed it.
- 19 I've worked with a driver. I stay on the same route.
- 20 Q Who is your supervisor?
- 21 A Igor.
- 22 Q Who gives you your work assignments?
- 23 A Yuriy.
- 24 Q Tell me what training did you have, if any, for this job?
- 25 A CPR, first aid.

- 1 Q What was the last thing you said?
- 2 A First aid.
- 3 Q First aid?
- 4 A Yes.
- 5 Q Anything else?
- 6 A We need to have the Board of Education course.
- 7 Q Course?
- 8 A Yes.
- 9 Q Did you go to that course?
- 10 A Yes, I did.
- 11 Q Who was in that course with you? Is it just for matrons
- 12 or are there other types of employees there?
- 13 A No, only for matron.
- 14 Q How long did this course last?
- 15 A One week.
- 16 Q Every day you went to the class?
- 17 A Yes, I did.
- 18 Q Did you have any additional training working with the
- 19 company?
- 20 A They do refreshment.
- 21 Q Refresher?
- 22 A Yes.
- 23 Q Same type of information?
- 24 A Yeah. It's basically what you need to do when you start
- 25 working. It's refreshment.

1 A I don't think so.

2 Q Why do you say that?

3 A Because I know all the escorts that work there. They
4 never say to me they go there.

5 Q Okay. Have you ever had any conversations with the
6 mechanics about your bus?

7 A No.

8 Q Any conversations with washers at the company?

9 A No.

10 Q People who clean buses. Any conversations with yards
11 people?

12 HEARING OFFICER STOLZBERG: I'm sorry. For the record,
13 you need to actually say yes or no.

14 THE WITNESS: Okay. No.

15 HEARING OFFICER STOLZBERG: The record doesn't pick up the
16 shaking of the head.

17 BY MS. OCHS:

18 Q Any conversations with shop employees?

19 A No.

20 Q When I say conversations, I mean work related
21 conversations.

22 A No.

23 Q Any work related conversations with cleaners?

24 A No.

25 Q How much time do you spend, typically spend at Douglaston

1 in the morning before you leave, before the bus pulls out? How
2 much time are you there?

3 A Until Mercedes get there. I usually get there before her
4 because the shuttle bus brings me from the bus stop.

5 Q Okay. The shuttle bus?

6 A Yes, from the company.

7 Q Okay.

8 A And I was there always early. And I wait for her or the
9 driver before her. It was another driver. And I wait until the
10 driver gets there. And we do the same thing every day.

11 Q So when the driver gets there, how much time are you still
12 there in the facility?

13 A Five or ten minutes.

14 **(Pause.)**

15 BY MS. OCHS:

16 Q Ms. Galindo, I now want to ask you a few more questions
17 about your job with the children. Could you describe for me
18 your contact with the children?

19 A Yes. When we're coming to pick up the first kids, I say
20 good morning to the parents. They give me the kid.

21 Q Where are you, are you on the bus or off the bus?

22 A In the bus. I never get off from the bus. They always
23 bring the kids to me inside the bus.

24 Q Okay. Then what happens?

25 A I take the kid. I go and they're all car seats.

- 1 Q They're all what?
- 2 A The car seat.
- 3 Q Oh, yes, car seats.
- 4 A And I take him to the car seat and --
- 5 Q The parent gives you the car seats or are the car seats on
6 the bus?
- 7 A That is on the bus. I walk inside the bus with the kid.
8 I take the kid and I pull the seat belt, I pull it, I wrap --
- 9 HEARING OFFICER STOLZBERG: A strap or something?
- 10 BY MS. OCHS:
- 11 Q Did you say you take the child, you say you take the kid?
- 12 A Yes. I take it and I put the straps. And I put the
13 bookbag on the floor. And I make sure he is safe.
- 14 Q Do you know if anyone other than matrons or escorts do
15 that work for the company?
- 16 A No, only escort do that.
- 17 Q Can you tell me what your weekly wage rate is?
- 18 A I'm getting paid \$312.
- 19 Q \$312 a week?
- 20 A Yes, a week.
- 21 Q Do you have any bonuses that you get, any bonus pay?
- 22 A No.
- 23 Q Any other benefits?
- 24 A No.
- 25 Q Did you get any vacation pay?

1 Q Okay. And --

2 HEARING OFFICER STOLZBERG: I'm sorry, just to clarify,
3 there are a couple of different courses. There's CPR. There's
4 first aid. And then there was the safety course. Just clarify
5 please what you need to do to get the Board of Ed certification
6 or Board of Ed ID.

7 MS. OCHS: Okay.

8 BY MS. OCHS:

9 Q Ms. Galindo, in order to get the -- you took how many
10 different classes did you take before you were able to work as
11 an escort?

12 A I take the CPR, the first aid, and the matron.

13 Q Classes?

14 A Yeah.

15 Q And at that point, you get the DOE certification?

16 A When you get those course, you go to Board of Ed, and you
17 show what you got, and they prove it to you. They give you the
18 ID for Board of Education.

19 Q So is there anything else you had to show them before you
20 got the approval?

21 A No.

22 Q Those three courses?

23 A Yes.

24 Q Did you have any background check?

25 A Oh, yes, they do it, Board of Ed do it.

- 1 Q And any medical exam?
- 2 A Physical, the physical exam.
- 3 Q And all of this is required by the Board of Ed?
- 4 A Yes.
- 5 Q Has the company given you any work rules?
- 6 MR. POLLACK: Objection.
- 7 HEARING OFFICER STOLZBERG: In what form? Written,
- 8 verbal?
- 9 BY MS. OCHS:
- 10 Q Have you received any employee handbook from the company?
- 11 A written handbook from the company?
- 12 A No.
- 13 Q Did you receive any written instructions from the company
- 14 about how you are supposed to do your job?
- 15 A No. You are supposed to know your job.
- 16 Q Did the company give you any of its own training to be an
- 17 escort when you started?
- 18 A No.
- 19 Q Do you know how many hours a day that you work typically?
- 20 A I only stop for one hour for my break.
- 21 Q So you start at what time?
- 22 A At 6:00 in the morning and I finish at 4:00 is the last
- 23 drop off.
- 24 Q Is that your schedule every day?
- 25 A Yes.

- 1 Q How many days a week?
- 2 A Five days.
- 3 Q That's Monday through Friday?
- 4 A Yes.
- 5 Q Has the company trained you to work as a driver?
- 6 A No.
- 7 Q Has the company trained you to work as a mechanic?
- 8 A No.
- 9 Q Has the company trained you to work as a yards man?
- 10 A No.
- 11 Q Has the company trained you to work as a washer?
- 12 A No.
- 13 Q Has the company trained you to work as a cleaner?
- 14 A No.
- 15 Q Ms. Galindo, have you ever been on a bus when there were
- 16 mechanical problems, where the bus couldn't function?
- 17 A Only one time.
- 18 Q In a year and a half? One time?
- 19 A Yes.
- 20 Q And what happened?
- 21 A With Mercedes. The stop come out in the highway, when we
- 22 were in the highway. She went back and Piuter fix it, and he
- 23 return to work.
- 24 MS. OCHS: No further questions.
- 25 HEARING OFFICER STOLZBERG: Okay. Mr. Pollack?

- 1 BY MR. MARINOVIC:
- 2 Q Good afternoon, Mr. Komsky. You testified on direct
- 3 examination that you are the owner of Iridium and Alina, is that
- 4 correct?
- 5 A Yes.
- 6 Q You own 100 percent of those of those companies, correct?
- 7 A Yes.
- 8 Q And with respect to I&Y, are you an owner of that company?
- 9 A Yes.
- 10 Q And what is your percentage of the ownership?
- 11 A 100 percent.
- 12 Q 100 percent. Mr. Alishayev, Yuriy Alishayev, he is the
- 13 manager for each of these companies, correct?
- 14 A Yes.
- 15 Q Do you have any other manager other than Mr. Alishayev and
- 16 yourself?
- 17 A No.
- 18 Q Do you have any supervisors that supervise only the
- 19 drivers and escorts?
- 20 A Besides Yuriy Alishayev?
- 21 Q Both. Is Mr. Alishayev also a supervisor or is he a
- 22 manager, or is he both?
- 23 MR. POLLACK: I would object to the word supervisor.
- 24 HEARING OFFICER STOLZBERG: We're using conclusory terms.
- 25 BY MR. MARINOVIC:

1 Q What is your understanding of your title for Mr.
2 Alishayev?

3 A He's manager and he's, I don't know, manager. He does
4 direct the people, yeah.

5 Q Does anyone else direct the drivers and escorts other than
6 yourself and Mr. Alishayev?

7 A No.

8 Q Do you have a commercial driver's license, sir?

9 A Yes, I do.

10 Q Do you have 19(a) certification?

11 A Yes, I do.

12 Q Can you explain to us what 19(a) certification involves,
13 please?

14 A I did it 20 years ago. I don't really remember.

15 Q So you have no recollection of all what's involved in a
16 19(a) certification?

17 A No.

18 Q You don't have to have any kind of refresher requirement
19 for that?

20 A I do refresher.

21 Q And when was your last refresher, sir?

22 A Last time I did refresher? Two months ago.

23 Q What was the subject of that refresher?

24 A They refresh, you know, how to drive the bus, how to stop,
25 how to go backwards, what should I do, what should I not to do,

- 1 what should I do if accident happened, you know --
- 2 Q And that -- I'm sorry, go ahead.
- 3 A They, you know, two times a day we have refreshments for
- 4 the drivers, as well as me and Yuriy.
- 5 Q Okay. So Yuriy is also 19(a) certified?
- 6 A Yeah.
- 7 Q Also CDL license?
- 8 A Yeah.
- 9 Q Now -- I'm sorry? Now do you have a CDL license with a
- 10 passenger endorsement?
- 11 A Yes.
- 12 Q So you can drive passengers including children on the bus?
- 13 A Yes.
- 14 Q Is the same true for Mr. Alishayev?
- 15 A Yes.
- 16 Q And all drivers that work for you must have this, is that
- 17 correct?
- 18 A Yes.
- 19 Q Are any of the mechanics required to have this?
- 20 A No.
- 21 Q Are any of the washers, yard people, cleaners required to
- 22 have this?
- 23 A Just licenses.
- 24 Q Just, well, let's break it down then. Do any drivers --
- 25 I'm sorry, withdrawn. Do any washers have to have a CDL license

- 1 with a passenger endorsement?
- 2 A Just the license.
- 3 Q Is your answer no, sir?
- 4 A Not CDL license, but their regular license.
- 5 Q A plain driver's license?
- 6 A Right.
- 7 Q So they are not required to have a CDL license with or
- 8 without passenger endorsement?
- 9 A They are not required by me.
- 10 Q Okay. How about the yard people?
- 11 A They're required to have license, yes.
- 12 Q A plain license, not a CDL?
- 13 A Not a CDL. But it's I will, if they have CDL, I will take
- 14 more better position to them or even pay more if they have CDL.
- 15 Q Okay. How about a CDL with a passenger endorsement, are
- 16 the yard people required to have that?
- 17 A Not required. But if they have, I would really even maybe
- 18 pay them more for that to happen.
- 19 Q How many people do you actually have that are yard people
- 20 who have a CDL license with a passenger endorsement?
- 21 A I don't know.
- 22 Q How about mechanics, are they required to have a CDL
- 23 license?
- 24 A They're required to have a regular license.
- 25 Q And cleaners, are they required to have a CDL license.

- 1 A They are required to have a license.
- 2 Q A plain license?
- 3 A Yes.
- 4 Q Shop employees, are they required to have a CDL license?
- 5 A No.
- 6 Q Now in order to work as a driver for transporting children
7 for the New York City Board of Education, the drivers have to be
8 certified by the Department of Education, correct?
- 9 A That's correct.
- 10 Q And for escorts to be able work and assist children that
11 go to New York City public schools, they also must be certified
12 by the Department of Education, correct?
- 13 A Correct.
- 14 Q As part of the Department of Education certification,
15 drivers have to have a CDL license with a passenger endorsement,
16 correct?
- 17 A Correct.
- 18 Q They must pass a physical. Correct?
- 19 A Correct.
- 20 Q They must pass drug testing. Correct?
- 21 A When they start working?
- 22 Q Yes.
- 23 A I don't know.
- 24 Q Are they subject to random drug tests?
- 25 A Yes, they do.

1 Q Are any other employees that you have subject to random
2 drug tests?

3 A No.

4 Q In order to work for, again, to have certification from
5 the Department of Education, drivers and escorts have to pass
6 background checks, correct?

7 A That's correct.

8 Q Are any of the other employees that you employ required to
9 undergo background checks?

10 A Yes.

11 Q By the Department of Education, that's required?

12 A Yes.

13 Q Which classifications?

14 A Spare drivers, spare matrons.

15 Q How about mechanics, are they required to undergo a
16 background check by the DOE?

17 A If I want to use them as a driver sometimes, yes.

18 Q Okay. What about washers and cleaners, are they required
19 to undergo background checks by the DOE in order to function in
20 their positions?

21 A In my company, I have a cleaner who worked for me a year,
22 become a matron, who worked for me a year, and in a year become
23 a driver. So I cannot respond to that. They move, you know,
24 from one position to other positions. They're all integrated
25 because it's all together.

- 1 want to just take a look at that?
- 2 A I don't have my glasses.
- 3 Q You don't have your glasses, sir?
- 4 A No.
- 5 Q So you can't read a document, if I were to show you the
- 6 document?
- 7 A No. I don't have my glasses, no. But you can ask me.
- 8 Tell me what it says there.
- 9 Q Okay. According to this, an attendant must pass a spring
- 10 and fall refresher.
- 11 A Probably. I said I am not sure. I am not dealing with
- 12 that. I have Yuriy who is dealing with that. I am not really
- 13 involved in that, any courses and, you know, I don't involved.
- 14 I don't think they did but --
- 15 Q Do you think the information I just conveyed to you is
- 16 accurate?
- 17 A It is probably accurate, yes. I don't need, you know.
- 18 Q Do you know whether -- withdrawn. As part of the
- 19 certification process by the Department of Education, isn't it
- 20 true that drivers also have to pass a physical performance test?
- 21 A Yes.
- 22 Q What's involved in a physical performance test?
- 23 A 19(a), you know, inspector comes, you know, and we go in
- 24 there, she direct us if we can drive. There is, you know, some
- 25 kind of questions. We got to answer the questions, number of

1 Q And washers, mechanics, cleaners, shop people, as part of
2 their everyday work responsibilities, they don't go to schools
3 to deliver children, do they?

4 A I didn't hear the last question, couple of words.

5 Q Sure. As part of the responsibilities, the daily work
6 responsibilities of mechanics, or washers, or cleaners, or yard
7 people, they do not transport children to schools, is that
8 correct?

9 A That's correct.

10 Q And they would never be disciplined for intentionally
11 being late to a school, correct?

12 A I just want to add something. Sometimes they --

13 Q Well, can you answer my question before you add something?

14 A They wouldn't discipline because they don't --

15 Q Okay. Thank you. Go ahead and amplify your answer,
16 please.

17 A Yeah. It's those occasions when they, the yard man or
18 somebody, you know, can go pick up, take the kids off the
19 accident, you know, bring them somewhere because only if they
20 have the CDL license, you know, not, you know, but it happen.

21 Q Okay. Now with respect to escorts, their primary
22 responsibility is dealing with the children, is that right?

23 A That's right.

24 Q Have you ever disciplined escorts based on escorts acting
25 in an inappropriate way towards the children, maybe not

- 1 Q And you would ask the washers to move the children from
2 one bus to another?
- 3 A Yes, I would.
- 4 Q Have the washers ever been disciplined for being rough
5 with the children?
- 6 A Didn't have any instances like that. I never heard.
- 7 Q Okay.
- 8 A But if they would, if they would do this, I would
9 discipline them, yes.
- 10 Q But in your experience, it hasn't happened, is that right?
- 11 A It didn't happen. But if they would be like that, I would
12 discipline them, as well as the drivers or the matrons.
- 13 Q Okay.
- 14 A They're not immune. They're all the same.
- 15 Q Do escorts or matrons ever work temporarily as drivers?
16 And I should say specifically drivers transporting children.
- 17 A I don't -- just rephrase, you know, I don't know.
- 18 Q Have escorts ever worked on a temporary basis substituting
19 for drivers delivering children to the schools?
- 20 A If they have a CDL license and they have a Board of Ed
21 certification.
- 22 Q But do you have people who do that?
- 23 A I don't know. I don't remember.
- 24 Q Have mechanics ever temporarily substituted for drivers?
- 25 A If they have CDL license and the certification.

1 Q Have any mechanics, to your knowledge, actually
2 substituted for drivers delivering children?

3 A I think so.

4 Q Can you name those people, please?

5 A It was a few years ago. I don't remember the names.

6 Q How about washers, have washers temporarily substituted
7 for drivers delivering children?

8 A The washers, if they have a CDL license, they would, and
9 the certification.

10 Q And have they in your experience actually done that?

11 A Yes, it was.

12 Q Can you please identify who that was?

13 A I had the washer who was a washer and he got the license,
14 and he didn't have a route, and he still work as a washer, and
15 he already was certified but we don't have work for him, was
16 waiting to be routed. So I gave him chance to drive couple of
17 routes. He was a washer and he drove couple of times, you know,
18 starting to work as a driver.

19 Q When was that, sir?

20 A It was a few years ago.

21 Q A few years ago.

22 A Yeah.

23 Q Have yard people substituted on a temporary basis for
24 drivers delivering children?

25 A Yes. Yes, they do.

- 1 Q You have a couple of people that do that?
- 2 A Probably, yes. Yes.
- 3 Q Do you know their names?
- 4 A Piuter.
- 5 Q Piuter and Arnold?
- 6 A Yeah.
- 7 Q And you said maybe one or two others, but you don't know
- 8 their names?
- 9 A I am not involved with that.
- 10 Q Okay. How about mechanics? can mechanics or do any
- 11 mechanics have a certification from the Department of Education
- 12 to work as a driver transporting children?
- 13 A I am not sure, you know, Yuriy is who is really more
- 14 working in this department, you know. I am not involved in
- 15 that. I don't know.
- 16 Q Okay. How about would you know the answer for mechanics
- 17 who are certified as escorts, if they are in it?
- 18 A I don't know. Again, I don't believe so, but Yuriy will
- 19 better know. I don't think so.
- 20 Q How about cleaners? Do any cleaners have a certification
- 21 to work as drivers by the Department of Education?
- 22 A I don't think so.
- 23 Q How about certification to work as escorts?
- 24 A I think so.
- 25 Q You think so. Do you have --

- 1 Q How about in Brooklyn? I believe you testified that you
2 have two drivers that pull out of Coney Island?
- 3 A Yes.
- 4 Q And is that also for the convenience of where the route
5 is?
- 6 A Yes.
- 7 Q Those routes are in Staten Island, I believe you
8 testified?
- 9 A Yes.
- 10 Q And the escorts who would work on those buses, they would
11 typically work on that route, is that right?
- 12 A If they work, if they are not substitute, by substitute
13 matron.
- 14 Q But on a regular basis, you would expect the escorts that
15 are on those buses to be only on those routes, is that right?
- 16 A Yes.
- 17 Q Do you want to take a five minute break, Mr. Komsky?
- 18 A No.
- 19 Q You're okay?
- 20 A I'm okay.
- 21 Q How many full-time drivers do you have?
- 22 A Seventy.
- 23 Q Do you have any part-time?
- 24 A Maybe 8, 10.
- 25 Q And is that total for all three companies or is that for

- 1 one company?
- 2 A No, it's for the total three company.
- 3 Q I believe you testified on direct examination you have
- 4 about 78 drivers. Do you recall that testimony?
- 5 A That's what I said, 70, 10.
- 6 Q I believe you testified you had 78 drivers for Iridium.
- 7 A No, I mean three company.
- 8 Q Do you have 10 more drivers for Alina?
- 9 A When I say Iridium, because you connect this, the company
- 10 together, I mean Iridium like three company.
- 11 Q Okay. So do you have -- how many -- do you recall
- 12 testifying on direct examination last week that you had 10
- 13 drivers that worked for Alina?
- 14 A Yeah, Alina buses.
- 15 Q Okay. And do you recall testifying that you had 8 to 9
- 16 drivers working for I&Y?
- 17 A Yes.
- 18 Q Okay. So 8 and 9 for I&Y, and 10 for Alina; are they part
- 19 of the 78 that you were just testifying about?
- 20 A Yes.
- 21 Q So you don't have 78 separately for Iridium.
- 22 A No.
- 23 Q How many full-time escorts do you have?
- 24 A About the same.
- 25 Q Seventy full-time?

- 1 A Probably the same, yeah.
- 2 Q And about eight part-time?
- 3 A The same. I try to be equal.
- 4 Q Would you have more escorts since on some of your buses
- 5 you have more, you have two escorts?
- 6 A It's probably a few more.
- 7 Q So --
- 8 A Four more.
- 9 Q Four more, you think?
- 10 A Five more.
- 11 Q So perhaps 12? Is that a fair number?
- 12 A Twelve what?
- 13 Q Twelve part-time escorts?
- 14 A I didn't say they are part-time escorts.
- 15 Q Well, I'm sorry, let me step back. You said about the
- 16 same. So how many full-time escorts do you have?
- 17 A I try to have escorts most of them full-time. And I have
- 18 part-time escorts, you know. How many part-time I have escorts,
- 19 is that what you're asking?
- 20 Q My question is how many full-time escorts do you have?
- 21 A Seventy.
- 22 Q About 70, okay. And how many part-time escorts?
- 23 A About 8, 10.
- 24 Q Eight to ten. And is it possible you would have more
- 25 escorts since you have on some buses two escorts?

1 Q Is there an expectation that drivers will work a certain
2 number of hours in a day?

3 A The driver normal day, except the driver who work
4 overtime, work not more than eight hours a day. They work from
5 5 to 7 1/2 hours probably a day.

6 Q Most drivers work five to seven hours, you say?

7 A From 5 1/2 to 7 1/2.

8 Q 5 1/2 to 7 1/2?

9 A Regularly, yes.

10 Q When you say regularly, what does that mean?

11 A It mean when they do the overtime, it is additional
12 schedule, additional, you know, result extra pay.

13 Q So a driver that works 5 1/2 hours, would that person
14 receive the same amount of pay as someone who works 7 1/2 hours?

15 MR. POLLACK: Objection. Is their base pay the same? I
16 mean lay some foundation here.

17 HEARING OFFICER STOLZBERG: Right.

18 MR. MARINOVIC: Well, since we don't have payroll
19 documents.

20 MR. POLLACK: I know we don't have payroll documents. We
21 can say that 100 times. There are still other ways to lay a
22 foundation.

23 HEARING OFFICER STOLZBERG: Do we want to talk about
24 payroll documents now. Is this something that you want to use
25 on cross?

- 1 Q And how many hours of overtime did those five people work?
- 2 A From 1 1/2, 2 hours more at the most.
- 3 Q One or two hours at most?
- 4 A The most.
- 5 Q Per day?
- 6 A Per day.
- 7 Q Per day. What are the -- withdrawn. What are the regular
- 8 hours for escorts, would you say it's 5 1/2 to 7 1/2 like the
- 9 drivers or different?
- 10 A Less.
- 11 Q Less?
- 12 A Less than drivers.
- 13 Q And why would it be less than drivers?
- 14 A Because they were picked up by the houses, which is 40
- 15 minutes away from the base. And they are dropped 40 minutes
- 16 before the bus come to the yard. So they're about 1 to 1 1/2
- 17 hours less to work, usually.
- 18 Q Well, I believe you testified, correct me if I'm wrong,
- 19 was it your testimony on direct examination that about 50
- 20 percent of escorts get picked up by the driver?
- 21 A That's my estimation. I don't know a percentage. I, you
- 22 know, I do my business that my people are comfortable, you know,
- 23 if they can be picked up by the driver, I'd like them picked up
- 24 by the driver, not to come to the yard. I would do anything to
- 25 help, to do that so less people come to the yard in the morning.

- 1 Q I'm sorry, 208 days.
- 2 A No, I don't think so.
- 3 Q They don't. Cleaners?
- 4 A I don't think so.
- 5 Q Yard people?
- 6 A I don't think so.
- 7 Q Mr. Komsky, because you are transporting special education
8 children and early intervention children, there must be an
9 escort on every bus, is that correct?
- 10 A Yes.
- 11 Q And sometimes as you stated several times, sometimes you
12 have more than two escorts on the bus, correct?
- 13 A No.
- 14 Q No?
- 15 A That's not correct.
- 16 Q You don't have two?
- 17 A Not more than two.
- 18 Q Not more than two. But sometimes you have two escorts on
19 the bus?
- 20 A Yeah. You just mentioned more than two.
- 21 Q Okay. I'm sorry. Sometimes, you have two escorts on the
22 bus?
- 23 A Yes.
- 24 Q And that's a requirement of your contract with the Board
25 of Ed that there be an escort on every bus, is that right?

1 A I don't think so.

2 MR. POLLACK: I don't have anything further.

3 HEARING OFFICER STOLZBERG: Anything on re-recross?

4 MR. MARINOVIC: No.

5 HEARING OFFICER STOLZBERG: Mr. Komsky, actually, I have
6 two questions. And it may be helpful to keep you up here while
7 we ask these questions. We referred a few times today to spare
8 drivers. Is that a separate classification of employees or are
9 they just drivers that don't have routes on any particular day?

10 THE WITNESS: That's correct.

11 HEARING OFFICER STOLZBERG: What is correct?

12 THE WITNESS: Second. This is a driver. I've got to have
13 at least 10 percent of spare drivers and matrons at least, not
14 limited but at least to my staff.

15 HEARING OFFICER STOLZBERG: Is that the Board of Ed
16 requires this?

17 THE WITNESS: Yes, it is.

18 HEARING OFFICER STOLZBERG: Okay. So that's spare drivers
19 and spare matrons. Are there drivers or matrons that their
20 duties are to be spare, are to be there in case somebody calls
21 out absent?

22 THE WITNESS: That's correct.

23 HEARING OFFICER STOLZBERG: How many spare, okay, I'm
24 sorry, you said 10 percent of the drivers and 10 percent of the
25 matrons, correct?

1 yard employees, cleaners, shop employees, and guards,
2 supervisors as defined in the Act. I'm sorry, and also
3 excluding spare drivers and spare escorts.

4 MR. POLLACK: Isn't that the opposite of what you said
5 before? I thought you wanted all the drivers and escorts?

6 MR. MARINOVIC: We want all regular full-time and regular
7 part-time drivers and escorts. The position is that spares
8 should be excluded.

9 MR. POLLACK: Okay.

10 HEARING OFFICER STOLZBERG: Employer, what is your
11 position, your exact final position regarding the parties' unit
12 inclusions, exclusions?

13 **We're going to go off the record for a minute.**

14 **(Discussion off the record.)**

15 **HEARING OFFICER STOLZBERG: We're back on the record.**

16 MR. POLLACK: We believe the unit should include all
17 drivers and escorts, whether they be full-time, part-time, or
18 spares. Should include all mechanics, should include all shop
19 employees, should include all bus washers, should include all
20 bus cleaners, should include all yard men irrespective of where
21 they are based out of. It should exclude all office
22 clerical/dispatchers, supervisors, guards, managers, etc.

23 HEARING OFFICER STOLZBERG: Okay. Just to entertain this
24 for a little bit, on the topic of spare drivers and spare
25 escorts both parties are aware that we have had very limited, if

1 MR. KOMSKY: Not include spares?

2 MR. POLLACK: Not including spares.

3 MR. KOMSKY: 140.

4 MR. POLLACK: Is that a guess?

5 MR. KOMSKY: No, it should be like that.

6 MR. POLLACK: So approximately 140 in the petitioned-for
7 unit, which excludes the spare drivers and spare matrons.

8 HEARING OFFICER STOLZBERG: Okay. Total number of
9 employees in each disputed category? Disputed categories being
10 spare drivers, 10 percent of --

11 MR. POLLACK: Spare drivers, 10 percent of the driver
12 compliment, spare escorts.

13 MR. KOMSKY: At least 10 percent. I'd like to have more
14 than that, but at least.

15 MR. POLLACK: Spare escorts are approximately 10 percent
16 of the escort compliment. We have I believe six mechanics.

17 HEARING OFFICER STOLZBERG: Shop employees?

18 MR. POLLACK: Two shop employees.

19 MR. MARINOVIC: I'm sorry. Did we have a number on the
20 spare?

21 HEARING OFFICER STOLZBERG: They said 10 percent of the
22 total. I believe we've been saying all day 78 drivers.

23 MS. OCHS: He just said 10 percent of 140, so 14. That's
24 consistent with what he said.

25 MR. MARINOVIC: Seven spare drivers, seven spare escorts?

1 HEARING OFFICER STOLZBERG: That's an approximate value.

2 MR. POLLACK: So shop employees, I believe we have two.

3 Yard men --

4 MR. KOMSKY: Four, three or four.

5 MR. POLLACK: Four yard men. Three or four. I think we
6 have two washers.

7 MR. KOMSKY: Two washers.

8 MR. POLLACK: Two washers. How many cleaners?

9 MR. KOMSKY: I think we have one or two.

10 MR. POLLACK: One or two cleaners. I think that's
11 everybody. Yards men, we said --

12 MR. KOMSKY: I think four.

13 MR. POLLACK: Four yard men.

14 HEARING OFFICER STOLZBERG: Approximately, four yard men.
15 Okay. Petitioner, do you wish to proceed to an election in any
16 alternate unit if the unit sought is found to be inappropriate
17 by the regional director or the Board? If your answer is not
18 yes or no, please explain your position.

19 MR. MARINOVIC: The Petitioner will proceed in an
20 alternate unit that includes spare drivers and spare escorts.
21 That is the only alternate unit that the Petitioner will proceed
22 in. It is the Petitioner's position that if the regional
23 director finds that any other alternate unit is appropriate for
24 an election, that the Union should have the opportunity to
25 review the regional director's decision in the matter and

Exh. No: 2 Received ☒ Rejected ☐
 Case No.: 29-RC-12021
 Case Name: Iridium Svcs Corp
 No. Pgs: 4-1-11 Date: 4-1-11 Rep.: AM

APPENDIX A

UNITED STATES OF AMERICA
 BEFORE THE NATIONAL LABOR RELATIONS BOARD
 REGION 29

Correct Name of Employer: Iridium Services Corp., I&Y Transit Corp., Alina Services Corp., a single employer

Case No. 29-RC-12021

Correct Name of Petitioner: Local 1181-1061, Amalgamated Transit Union, AFL-CIO

STIPULATION

We Stipulate and agree that:

1. We have been informed of the procedures at formal hearings before the National Labor Relations Board by service of the Statement of Standard Procedures with the Notice of Hearing. The Hearing Officer has offered to us additional copies of the Statement of Standard Procedures.
2. To the extent the formal documents in this proceeding do not correctly reflect the names of the parties, the formal documents are amended to correctly reflect the names as set forth above.
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the National Labor Relations Act.
4. The Petitioner claims to represent the employees in the unit described in the petition herein and the Employer declines to recognize the Petitioner.
5. There is no collective-bargaining agreement covering any of the employees in the unit sought in the petition herein and there is no contract bar to this proceeding.
6. The Employer is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act and is subject to the jurisdiction of the Board.

Commerce facts:


Iridium Service Corp, I&Y Transit Corp., and Alina Services Corp., herein collectively called the Employer, are New York corporations, with their principal office and place of business located at 245-37 60th Avenue, Douglaston, New York, and with facilities located at 53-09 Van Dam Street, Long Island City, New York; 70 Horace Harding Boulevard, Great Neck, New York; and 2752 West 15th Street, Brooklyn, New York, where they have been engaged in bus transportation services. At all material times, Iridium Service Corp, I&Y Transit Corp., and Alina Services Corp. have been affiliated business enterprises and a single employer, with common officers, ownership, directors, management and supervision;

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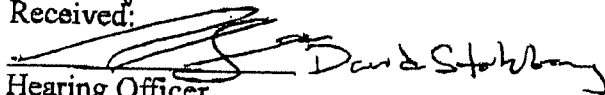
have formulated and administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; and have held themselves out to the public as single integrated business enterprises. During the past year, which period is representative of its annual operations generally, the Employer, in the course and conduct of its business operations, each derived gross annual revenues in excess of \$250,000, and each purchased and received goods valued in excess of \$5,000 from points outside the State of New York. The Employer, individually and collectively, is engaged in commerce within the meaning of the Act.

Upon receipt of this Stipulation by the hearing officer it may be admitted, without objection, as a Board exhibit in this proceeding.


For the Employer


For the Petitioner

Received:


Hearing Officer

Date: 4/1/11

Board Exhibit No. _____

Petitioner
Ex.2



IRIDIUM SERVICES CORP.

Igor Kozlov
President
245-37 60 Avenue
Douglaston, NY 11362

Telephone 718-225-9331
Fax 718-225-0241

ATTENTION!

**IT IS THE RESPONSIBILITY OF BOTH
THE MATRON AND DRIVER TO CHECK
THE BUS AT THE END OF A TRIP TO
MAKE SURE THAT ALL CHILDREN
HAVE BEEN TAKEN OFF THE BUS.**

**AT THE END OF THE DAY, IT IS VERY
IMPORTANT THAT ALL BUSES ARE
CHECKED.**

**PLEASE MAKE SURE THAT THERE ARE
NO CHILDREN ON YOUR BUS WHEN
YOU PARK IN THE YARD.**

Petitioner
Ex.3



IRIDIUM SERVICES CORP.

ALINA SERVICES CORP.

Igor Komsky
President
245-37 60 Avenue
Douglaston, NY 11362

Telephone 718-225-9361
Fax 718-225-0241

July 24, 2008

ATTENTION ALL DRIVERS AND MATRONS:

IT'S YOUR RESPONSIBILITY TO HAVE YOUR OPT CARD AT ALL TIMES WITH YOU. IN CASE OF AN OPT INSPECTION IF YOU DON'T HAVE AN OPT CARD WITH YOU THE COMPANY IS GETTING FINE. PLEASE BE ADVISED THAT STARTING AUGUST 1, 2008 ANY FINE THAT APPLY TO THE COMPANY FOR MISSING OPT CARD WILL BE DEDUCTED FROM YOUR PAYCHECK.

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Driver Information

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School bus drivers must be certified in order to transport students. The New York State Education Department (NYSED) mandates standards that apply to school bus drivers across the state. A key component of certification is completion of required training at an approved Office of Pupil Transportation (OPT) [training location](#). All drivers are required to attend mandatory refresher courses each year.

Requirements for Driver Certification

Bus companies schedule appointments for driver applicants to be fingerprinted by NYSDMV contractor L1 Identity Solutions at one of more than a dozen sites around the City. The applicants will complete and submit a 19-A Bus Driver Application at that appointment. At the same time, the company asks the OPT Contract Management Unit to perform a Thirteen County Criminal History check on the applicant. Once the applicant has received both of these clearances, the company can schedule the applicant for a certification session at OPT provided the applicant can appear with all of the following:

- A Social Security card, and if not a United States citizen, a Green Card or Resident Card.
- A New York State commercial driver's license (CDL) with [CDL "S" \(school bus\) endorsement](#) and "P" (passenger) endorsement.
- A letter from the bus company, on company letterhead, requesting certification.
- Three letters of reference (from individuals, organizations and/or agencies not related by blood or marriage to the driver) that attest to his or her character and work record.
- 19-A final qualification letter (result of DMV fingerprint process).
- 13 county criminal history check letter dated within 60 days.
- Physical performance test dated within 60 days. This exam is given once every two years.
- Medical examination and Purified Protein Derivative Tuberculosis Skin Test (PPD) dated within 90 days. If PPD is positive the results of a chest x-ray are required.
- Clean drug test results dated within 60 days.
- Abstract of official vehicle operating record from NYSDMV—19A Active-School Qualified. If not, driver should provide an add-on to roster letter from the Department of Motor Vehicles (DS-870).
- Pre-service training certificate—completion of five hour course provided through an OPT-certified training location.
- Spring/fall refresher certificate—two hour required refresher course provided through an OPT-certified training location. Drivers must attend a yearly refresher course.
- Complete OPT application signed by bus company representative. Driver will be certified under this company.

All required documentation must be submitted at time of certification. Faxes will not be accepted.

Drivers must submit the following items dated within sixty days of certification.

- Behind the wheel road test.
- Results of Article 19-A oral/written test.
- Documentation of completion of a defensive driving course.

Drivers must submit the following within one year of certification.

- NYSED-mandated training certificate—thirty hour course provided through an OPT-certified training location. Original certificate is required.

Contacts

Office of Pupil
Transportation
44-36 Vernon Boulevard
Long Island City, NY
11101

LDAMATO@schools.nyc.gov

Key Documents

[NY State DMV Information for Bus Drivers](#)

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Attendant Information

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Every special education vehicle must have an attendant responsible for assisting special education children during their ride to and from school. An attendant is also required to assist each child from the bus to the front door of the school.

Attendants must be at least 21 years old and certified in order to transport students. The New York State Education Department (NYSED) mandates standards that apply to school bus attendants across the state. A key component of certification is completion of required training at an approved Office of Pupil Transportation (OPT) [training location](#). All attendants are required to attend mandatory refresher courses each year.

Requirements for Attendant Certification

Bus companies schedule appointments at OPT for attendants to apply for certification. Attendants report to the OPT Contract Management Unit on the sixth floor to provide the identification and paperwork listed below:

- **Two forms of ID:**—A driver's license or picture ID and Social Security card. If not a United States citizen, present a Green Card or Resident Card.
- **A letter from the bus company**, on company letterhead, requesting certification.
- **Three letters of reference** (from individuals, organizations and/or agencies not related by blood or marriage to the applicant) that attest to his or her character and work record.
- **Completed DOE application.**
- **Physical performance test** dated within 60 days.
- **Medical examination** dated within one year and Purified Protein Derivative Tuberculosis Skin Test (PPD) every year. If PPD is positive the results of a chest x-ray are required every two years.
- **NYSED and NYCDOE mandated training certificates** (original certificates only)—twenty hour course provided through an OPT certified training location. Please note: NYSED requires a ten hour course, the Department of Education requires an additional ten hours of instruction.
- **Spring/fall refresher certificate** (original certificate only)—two hour required refresher course provided through an OPT certified training location.
- **Pre-service training certificate**—four hour course provided through an OPT certified training location.
- **American Red Cross First Aid Training Certificate**—course offered continuously through an OPT certified training location.
- **Cardio-Pulmonary Resuscitation (CPR) Certificate**—course offered continuously through an OPT certified training location.

All required documentation must be submitted at time of application. Faxes will not be accepted.

If review of the submissions is positive the applicant will be photographed and fingerprinted electronically via Live Scan. If the fingerprint check comes back clean (results are usually received within one or two days) an ID card and supporting documentation will be generated and placed in the company's mail pickup. Upon receipt of the ID, the DOE attendant is able to perform DOE work.

Contacts

Office of Pupil
Transportation
44-36 Vernon Boulevard
Long Island City, NY
11101

LDAMATO@schools.nyc.gov

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